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LEGISLATIVE HISTORY

Public Law 754--81st Congress

Chapter 849--2d Session

S. 3959

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DIGEST OF PUBLIC LAW 754

PROPERTY MANAGEMENT - ADMINISTRATIVE SERVICES. Adds a new title to the Federal Property and Administrative Services Act to provide for records management; and otherwise amends the act to authorize the donation of surplus personal property to health institutions, establish basic authority for certain buildings-management functions of GSA, eliminate the supply surcharge, extend to the field service the requirement that Government vehicles be conspicuously identified, and provide that GSA may charge vendors and producers of commodities considered for purchase reasonable fees for testing such commodities. The act also provides that the authority of the Administrator of GSA shall be "paramount" as well as in addition to other authorities of law, and repeals all laws and parts of laws in conflict with the amendments made by this act.



INDEX AND SUMMARY OF HISTORY ON S. 3959

March 3, 1950 H. R. 7545 was introduced by Rep. Bolling and was referred to the House Comm. on Expenditures in the Executive Depts. Print of the bill as introduced. Remarks of the author. Similar bill.

May 8, 1950 H. R. 8416 was introduced by Rep. Bolling and was referred to the House Comm. on Expenditures in the Executive Depts. Print of the bill as introduced. Similar bill.

June 15, 1950 S. 3781 was introduced by Senator McClellan and was referred to the Senate Committee on Expenditures in the Executive Departments. Print of the bill as introduced. Remarks of the author. Similar bill.

June 27, 1950 Hearings: House, H. R. 7545, 8353, 8416, 8890 and 9129.

June 28, 1950 S. 3842 was introduced by Senator McClellan and was referred to the Senate Committee on Expenditures in the Executive Depts. Print of the bill as introduced. Similar bill.

July 17, 1950 H. R. 9129 was introduced by Rep. Bolling and was referred to the House Comm. on Expenditures in the Executive Depts. Print of the bill as introduced. (Companion bill).

July 24, 1950 Senate Committee reported S. 3959 without amendment. Senate Report 2140. Print of the bill as reported.

July 26, 1950 Senate debated and passed S. 3959 as reported.

House Committee reported H. R. 9129 with amendments. House Report 2747. Print of the bill as reported.

July 31, 1950 House Rules Committee reported H. Res. 741 for the consideration of H. R. 9129. House Report 2764.

August 7, 1950 House debated and passed S. 3959 with the language of H. R. 9129 inserted.

August 8, 1950 Senate conferees appointed.

August 9, 1950 House conferees appointed.

August 25, 1950 House received the conference report. House Report 3001.

August 31, 1950 Both houses agreed to the conference report.

September 5, 1950 Approved. Public Law 754.









Calhoun was aggravated when William H. Crawford betrayed the fact that, as Secretary of War in 1818, Calhoun had censured Jackson's seizure of Florida territory. The testy old general, who made every issue personal, turned against Calhoun. Meanwhile the latter had made himself politically vulnerable by opposing "the tariff abominations" and writing for the South Carolina Legislature his notorious exposition, outlining the doctrine which was to become known as nullification.

At the Jefferson Day dinner in 1830, President Jackson repudiated nullification in his toast. "Our Union—it must be preserved." The Vice President, in a scene which nobody has described more vividly than Miss Coit, slowly drank his wine and then white-faced, his eyes blazing, rose and uttered the words, "The Union. Next to our liberties, most dear." "That night," comments Miss Coit, "in that room the lines of Appomattox had been drawn."

The breach was now complete, and from that moment Calhoun was a tortured man, his ambition thwarted. It is unnecessary to tell again here how South Carolina in 1832, under Calhoun's leadership, passed a formal ordinance of nullification, how the administration responded with the force bill, and how Henry Clay, the Great Compromiser, finally succeeded in modifying the tariff measure, thus averting disaster. The crisis was over for the moment, but Calhoun was no longer a Nationalist but the spokesman for the isolated South. He resigned as Vice President to become Senator, and from his seat reiterated his protests against the rising dominance of the North. For the remainder of his career he was a tragic figure, disappointed and disillusioned.

As the years went on, Calhoun became the symbol of a lost cause—a cause which was lost almost from the beginning. All the finespun logic of his speeches could not alter the inexorable course of events. Northern industry flourished; southern agriculture languished. Immigrants poured in at northern ports from Ireland and Germany. The discrepancy in population and wealth between the two sections widened, and Calhoun could do nothing to stop the trend. He was driven finally to the point where he became the bigot who defended human slavery. As Miss Coit puts it, "To rest the cause of the South upon the crumbling foundation of human slavery was the tragic contradiction of Calhoun's career." His error brought ruin to his political aspirations and disaster to the South.

For a brief period Calhoun was again in a position of power, as Secretary of State under President Tyler. He accepted the office primarily to secure the annexation of Texas; and when a treaty for that purpose failed to get the necessary two-thirds vote in the Senate, he resorted to the device of a congressional joint resolution. A day before the Tyler administration ended, he sent off a dispatch inviting Texas to enter the Union. It was his last triumph as a statesman. He had hoped to be the Democratic candidate for the Presidency in 1844 and even was the principal author of a campaign autobiography of himself, published anonymously. But his views were too radical for all except southern extremists and the dark horse, James K. Polk, was preferred.

Miss Coit reproduces the daguerreotype of Calhoun taken by Matthew Brady in 1849, showing him with all the appearance of great age but proud, defiant, unbroken, his cloak swept dramatically about him, the shaggy hair hanging loose about his bent shoulders, a tortured prophet, who sees nothing in the future but the defeat of all he fights for and holds dear. When Clay and Webster, the other two of the great triumvirate in the Senate, tried to save the Union in 1850 through the Omnibus Bill, Calhoun was too

feeble to help very much. He was buried in the cemetery of St. Philip's church in Charleston, under a huge slab of white marble on which is cut the one word, Calhoun. Miss Coit tells the story of the bitter Yankee soldier, standing triumphantly in the churchyard in April 1865, in the midst of Charleston's shattered ruins, and saying, "The whole South is the grave of Calhoun."

Through her enthusiasm and skill Miss Coit has made John C. Calhoun seem almost a contemporary personage, as real as if he belonged in a present-day news magazine. Swept along by her narrative, we live ourselves through the controversy over nullification, the quarrels over abolitionist petitions, the disputes over Texas and Oregon, and the drama of the Compromise of 1850. She has written a first-rate book, one which holds the attention and provokes thought. In my judgment it will stand comparison with any political biography of recent years.

### Pope Pius XII, Living Symbol of Peace

#### EXTENSION OF REMARKS OF

**HON. JOHN J. ROONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 3, 1950

Mr. ROONEY. Mr. Speaker, under the permission heretofore granted me by the House, I include with these remarks the following editorial entitled "Pope Pius XII, Living Symbol of Peace," by Harry H. Schlacht, which was published in the New York Journal-American of March 2, 1950:

POPE PIUS XII, LIVING SYMBOL OF PEACE

(By Harry H. Schlacht)

O, Father, grant us the blessings of Thy peace.

Today America salutes Pope Pius XII on the anniversary of his seventy-fourth birthday.

Many, many happy returns of this blessed day.

Today pilgrims are welcomed to Rome to worship at the shrine of the Catholic Church.

It is a true incentive to piety.

It is a spiritual banquet.

The pilgrims will unite in commemoration of the three glorious and blessed celebrations.

His Holiness' fiftieth year as priest. His Holiness' twentieth year as cardinal. His Holiness' tenth year as Pope.

He is the vicar of the church of Christ. He is the apostle of peace. He is the living symbol of peace.

He is a simple man of God.

He is praying that God will come to the world's salvation, will quicken men with charity and faith, will inspire men with truth and justice.

He is armed with God's grace and a martyr's will. He is standing at the ramparts of man's battle for liberty.

His armaments are the weapons of wisdom. His armies are God's loving people everywhere.

His Holiness stands ready to shed his heart's blood to become the seed for the rebirth of enslaved nations.

Pope Pius XII is one of the great statesmen of our times. He is the best equipped personage in the world to lead us in the blessed cause of peace.

He is a man of his time.

No nation is strong except in the strength of God.

No power on earth can equal the power of God's truth. No dictator on earth can control man's thought.

God's truths have their roots in the policy of humble folks whose minds no tyrant can reach, and whose hearts no bond of servitude can fetter.

The arm of the Lord is gloriously made bare for the overthrow of communism, for the upbuilding of righteousness.

God's truths will pierce the iron curtain.

Before His power the forces of tyranny must tremble. Their mortal coils will be shaken off. Their governments will collapse. Their empires will dissolve. Their despotisms will sink into dust.

The church came forth from the dark catacombs, and upon the ruins of paganism there arose the glory that is the Roman Catholic Church.

It has endured through every persecution. It has endured through every revolution. It has endured through every century.

It is immortal in its nature. It is standing firm. It will endure forever.

So on this blessed day of his holiness' birthday, let God-loving people everywhere unite in this heavenly prayer.

May the Holy Father ever stand forth as a champion of oppressed humanity.

May the Holy Father ever stand forth as a protector of the godly in mankind.

May he persevere for many years in the faith of goodness, in the faith of justice, in the faith of peace.

God grant us this prayer.

### Abraham Lincoln, Great Friend of Agriculture

#### EXTENSION OF REMARKS OF

**HON. JAMES I. DOLLIVER**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 3, 1950

Mr. DOLLIVER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following radio talk by R. K. Bliss:

ABRAHAM LINCOLN—GREAT FRIEND OF AGRICULTURE

On Sunday, February 12, we commemorate the birthday of Abraham Lincoln. As the years pass the stature of Lincoln grows on us. He is now with common accord considered the greatest exponent of individual liberty and democracy of the nineteenth century.

We think of him as the leader who preserved the Union of the States that Washington and his associates created. We think of him as the great statesman, the emancipator of the slaves, the friend of humanity, and the foe of intolerance.

These were the great achievements of his career with which all are familiar. But there was another side of Lincoln's services that is not so well known and understood. It is of this other side that I wish to speak of principally today.

During the stress of the Civil War Lincoln signed three legislative acts into law, two of which have had a tremendous influence on the internal development of the United States. One of these was the Land Grant College Act providing for a Federal- and State-supported institution of higher learning in each State.

Prior to this time higher education had been principally for doctors, lawyers, and clergymen. It reached only a few people. Henceforth higher education was also to be



those who made their living principally through manual labor, management, and the sciences.

The passage of the Land Grant College Act was one of the results of a long continued effort to raise the status of agriculture and give greater opportunity to farm people. The Federal law as passed, however, also provided for the mechanic arts and laid the basis for our great colleges in engineering.

A somewhat similar land grant bill had been passed by the Congress preceding Lincoln's administration, but was vetoed by President Buchanan. One of the principal advocates of the Land Grant Act was Professor Turner, of Illinois. Turner was a friend of Lincoln's and Lincoln was certainly familiar with his arguments for the land grant bill. He and Lincoln were discussing the Buchanan veto at the time Lincoln was a candidate for President when Lincoln remarked, "Turner, get me elected President. Then put your bill through Congress and I will sign it."

The passage of the Land Grant College Act virtually democratized higher education. Almost anyone with grit and determination can go to college. Out of it has come as a new feature of education our Statewide co-operative extension services, designed to carry the immediately usable phases of higher education and experimentation to all farmers. This special effort to make agricultural science available to all is the distinguishing difference between agricultural colleges in this and other countries, and accounts in no small degree for the agricultural progress made in the United States.

Lincoln also signed the bill creating the United States Department of Agriculture, which now reaches into every community and farm home in the country. The Department of Agriculture also safeguards the quality of the food supply, and thus serves city homes as well. The two laws creating the United States Department of Agriculture and the land-grant colleges, which also included the development of engineering and science, have had a profound constructive influence on the agricultural and industrial development of this country.

Another act signed by Lincoln was the Homestead Act. The purpose of this act was to divide the public domain into homesteads large enough to support a farm family. The purpose of the act, too, was to remove public land from speculation. It opened the land to the actual farmers. Lincoln's name is, therefore, associated with important fundamental steps in the internal development of this country. These acts alone raise his administration to a high place in our industrial and agricultural development. No other President has his name attached to more important and constructive internal legislation.

Abraham Lincoln was truly a pioneer, both in his creative thinking, and in his up-bringing. He was truly a product of the American pioneer tradition and environment. Because of this fact, the life of Lincoln is a fascinating story. Born of pioneer parents in poverty, on what we would call a subsistence farm, Lincoln's opportunities in the world were anything but bright. His father was, according to all accounts, a good man but not much interested in progress, who took life easy and was something of a ne'er-do-well. He complained about his son, Abe, trying to get so much book "larnin'" and considered it a waste of time.

But, if Lincoln's father was something of a failure as a provider for the family, he at least showed remarkably good judgment in selecting Lincoln's mother and step-mother. Nancy Hanks, the mother of Lincoln, must have been a very intelligent person. Brought up in a community without schools, she nevertheless learned to read.

She was religious, and read much to Abe out of the Bible. She encouraged him to go to school. He had to walk 4 miles to his first school, and 9 miles to school in southern Indiana. Lincoln's mother died when he was 8 years old, in an epidemic that swept southern Indiana. Lincoln always had a profound reverence and respect for his mother, and once said "All that I am and all that I ever hope to be I owe to my angel mother."

Lincoln's father's second wife brought love, affection, help, and encouragement to young Lincoln. There could scarcely have been a better choice for him. She championed his efforts to get an education and gave him encouragement when his father objected and grumbled. To the credit of his father it must be recorded that he gave in to his wife on this point.

There was one thing in Lincoln's upbringing that seems perfectly clear. He had the help, love, sympathy, and support of two unschooled but remarkably intelligent women. A home of poverty with one or two rooms and no conveniences where love and intelligent understanding holds sway is better for child development, I am convinced, than a palace where indifference prevails.

It would seem that Abraham Lincoln's physical comforts were pretty well cared for, too. He must have had plenty to eat for he had a wide reputation as a rail splitter and wrestling champion, both of which require great strength.

He must have been highly thought of. While still a boy of 19 he was sent in charge of a raft loaded with produce down the Mississippi to New Orleans. This was no small undertaking. It was on this trip that he got his first impressions of slavery. Some years later he made a second trip. These were great opportunities for an observing and reflective youth. He undoubtedly had much more travel and responsibility than other boys of that day.

Lincoln had an insatiable desire for knowledge and information. He would walk miles to get a book and read it, if necessary, by the light of a pine knot after the day's work was done.

Lincoln was unschooled but not uneducated. Without formal training in grammar, rhetoric, and literature he came to use some of the best English and sentence construction that can be found in the English language. Much of his writings and sayings are immortal in the sense that they will never grow old. They will last as long as men cherish freedom and individual liberty.

A good way to commemorate Lincoln's birthday would be to again read some of his addresses. I suggest the Gettysburg Address as one of the best on democracy of any literature in any country. In this address he expresses the hope that "government of the people, by the people, for the people shall not perish from the earth." These words are especially important in the light of present world events.

The second inaugural was a masterly objective statement made in the midst of war which concludes with the admonition that "with malice toward none, with charity toward all, with firmness in the right as God gives us to see the right, let us finish the work we are in." In view of the name calling and bickering that goes on in high places between nations these days, it would be refreshing to have someone now express such noble sentiments.

If you want to study magnificent logic, reasoning and good use of the English language read Lincoln's Cooper Union speech in New York where the unschooled but not uneducated frontier lawyer from Illinois spoke to the highly trained intelligentsia of that great intellectual center and won them over to his way of thinking. This speech helped to make him President.

Of if you want to read a perfect letter of compassion and sympathy, read the one to Mrs. Bixby who had lost five sons on the field of battle.

Lincoln's sayings were unique, interesting, and easily remembered. He is credited as saying, "You can fool all of the people some of the time and some of the people all of the time but you can't fool all of the people all of the time."

Lincoln's logical mind was evident in a conversation with a group of ministers who came to see him during the war. As they were leaving they expressed the hope that the Lord was on his side. Lincoln surprised them by saying he was not so much concerned about whether the Lord was on his side but he was deeply concerned that he should always be on the Lord's side.

The work and teachings of Abraham Lincoln have special significance and value in these present days when dictatorship with its attendant slavery of thought and mind threatens democracy and the freedom of the individual. All who value freedom can draw much inspiration and courage from the life and acts of the great commoner.

## Records Management Service

### EXTENSION OF REMARKS

OF

### HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 3, 1950

Mr. BOLLING. Mr. Speaker, I am today introducing legislation to provide for a Records Management Service in the Federal Government. The proposed legislation is to amend the Federal Property and Administrative Services Act of 1949 by inserting a new title therein, for the purpose of defining the duties and functions of the Administrator of General Services and the Archivist of the United States with respect to records management.

A Federal Records Service is to be established and implemented by law as a constituent unit of the General Services Administration to serve the twofold purpose of planning and developing, in cooperation with the various departments and agencies of the Federal Government, a records-management program, and of exercising custody and care of the existing records of the Federal Government, its several branches, departments, and agencies.

The Hoover Commission report made clear, perhaps, for the first time, the enormous proportions of the records management job in the Federal Government. The task-force report showed that—

With regard to staff and salaries:

In 1940, an estimate was made of 340,000 employees, with annual salaries of \$680,000,000, engaged in handling records then accumulated or being created at that time. A much greater figure would apply were employees engaged primarily in record making added to these in record keeping. No actual count being available, an estimate of over \$1,000,000,000 is justifiable. Salaries of no other housekeeping or service function including Government accounting or personnel management remotely approaches this figure.



With regard to space requirements:

Approximately 18,500,000 cubic feet of Federal records occupy more than 18,000,000 square feet of Federal space. This is equivalent to six Pentagons. Space costs are not less than \$27,000,000 annually. Actual surveys and official estimates carry this volume of records up to 17,000,000; 18,500,000 cubic feet is a weighted current estimate for the purposes of the task-force study.

With regard to operation and maintenance:

Space occupied by records is operated and maintained consistently at a cost close to the actual rental paid. Annual expenditures for this purpose are not less than \$20,000,000.

With regard to equipment:

Records in such a quantity are equivalent to 3,080,000 standard four-drawer filing cabinets costing \$154,000,000 at current prices.

The major problems involved in the area are both economic and administrative. The economic problem is obviously one of costs; which, in view of the size of the record-keeping operations of the Government, is considerable. Exactly how much can be saved, it is difficult to estimate with any degree of accuracy, but the amount should be sizable. By exercising some restraining influence over the creation of new records, by encouraging proper disposition of records no longer needed, and by the use of the most suitable and economical methods with regard to those records which are to be retained on a more or less permanent basis, it is obvious that substantial amounts that would otherwise be spent can be saved.

Administratively, the present situation is chaotic. The National Archives has fairly clearly defined duties with regard to the custody of records, their preservation and use by the public, but little else. It is important that there be developed under competent professional leadership, Government-wide policies with regard to the size of records, methods of filing and storage, the creation of records centers, and many other problems in this field.

The legislation which is now proposed has been drafted with very great care and in close cooperation with the executive agencies concerned. Its provisions represent a sincere attempt to carry out the recommendations of the Hoover Commission; they are submitted at this time, not only in response to a vital need for some action by the Congress in this important field, but also in accord with the previously expressed intentions of the Subcommittee on Executive and Legislative Reorganization to proceed at an early date to round out the Federal Property and Administrative Services Act of 1949 by the inclusion of new titles on this and other related subjects. I hasten to add that the size of this bill is due not to a great quantity of new statutory provisions but to the assembling under this title of all existing and scattered pieces of legislation relating to this subject. All of these earlier enactments would be repealed to be superseded by the provisions of this act, which, when enacted, will in effect provide a code in the field of records management.

In short, I believe that the provisions of this bill are in accord with the prin-

ciples of good management as practiced in many large private organizations, and as recommended in the report of the Hoover Commission. It will register the intent of the Congress in a field which has suffered from the lack of any clearly defined over-all policy, and from a multiplicity of scattered bits of legislation relating to portions of the field. Its enactment will do much to clarify and unify legislation on records management to make possible improved administration, and to effect substantial savings.

## Industrial Development in the South

### EXTENSION OF REMARKS

OF

### HON. JOSEPH R. BRYSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 3, 1950

Mr. BRYSON. Mr. Speaker, under date of January 18, this year, I spoke at length to the House on the subject, *The South Attracts Industry*. Some unbelievable facts were revealed at that time regarding unprecedented industrial development all through the South; particularly in South Carolina and more especially in the Fourth Congressional District.

Under leave to extend my remarks in the Appendix of the RECORD, I insert herewith two articles from the Christian Science Monitor, Monday, February 27, 1950, pointing out further facts regarding industrial, agricultural, and livestock development in the South:

WAVE OF INDUSTRIALIZATION SWEEPS SOUTH—LIVESTOCK SHOWS NEW PROMISE—NEW ERA HAILED

(By Henry Lesesne)

COLUMBIA, S. C.—Probably no other period in the South's history compares with 1945-49 for industrialization—not even the 1880's, when so many little towns in the Piedmont with available water power began organizing cotton mills as community affairs, the shares being paid for by the people on the installment plan.

At present, there seems no end to the trend in sight. The industrial expansion in the South has been a part of the general industrial expansion which has been going on all over the country. Economists say the new factories in the South largely represent a net addition to the Nation's industrial system.

With the industrial change and expansion have come, too, great changes in the region's agricultural economy. Through the Cotton Belt it is much the same story—smaller cotton fields, more grain, more hogs, more cattle, more poultry. Many areas of the South are concentrating on quality production of cotton.

#### COTTON MOVES WESTWARD

The culture of cotton has been moving westward to an extent not generally realized. Counting Texas as the West, production has so increased in the stretch from Louisiana to the Pacific coast that, this year, almost half the cotton crop is claimed by that area.

Mechanization has been a great factor in enabling California cotton planters to pick the biggest income crop in the State in the last 3 years. Of course, great cotton-growing areas of the South like the Mississippi Delta

are mechanizing on a large scale, too; but for much of the hilly South, mechanization is hardly adaptable as yet, if ever.

Thanks to research, the South in the last two decades has been able to produce about the same amount of cotton on half the acreage as formerly. At the same time, some parts of the South have turned dramatically to a new type of agriculture, or industry, putting cotton into the background.

#### PEACHES IN SPARTANBURG

For instance, Spartanburg County, S. C., is a great textile manufacturing county. Twenty years ago, cotton was the main—one might say the only—cash crop. But in the short time since, the county has become the Nation's biggest peach producer. Peach growing is the foremost agricultural pursuit.

Nearly every part of the South has its own dramatic story to tell, whether it be agricultural or industrial. Peculiar to a rather small area in north Georgia, for instance, is the chenille bedspread industry, which began as the hobby of a Georgia farm girl and soon developed into a \$120,000,000-a-year business.

In about the same time, a great pulp and paper industry has arisen in the coastal plains, until southern production now accounts for about half the national total. A number of large new pulp and paper mills have gone up in the South in recent years. The region, too, is becoming more conscious of developing and conserving its woodlands, a serious problem.

#### MORE PURCHASING POWER

But the main thing is that industry, generally, has expanded and become more diversified in the South. The explanation, according to Dr. B. U. Ratchford, professor of economics at Duke University, lies in growing purchasing power, an ample labor supply, plus vast material resources.

Dr. Ratchford is a former Marshall plan adviser and was coauthor with Dr. C. B. Hoover, also of Duke, of the recent report by the National Planning Association's committee on the South, which analyzed the southern economy from the standpoint of the impact of Federal policies.

According to Dr. Ratchford, the rapid rise in southern purchasing power has created an expanding southern market, especially in the purchase of manufactured goods. And, as sales have risen, manufacturers have established plants or factories to make such goods in the South to supply the demands of the region.

#### INCOME INCREASES

Per capita income in the South has jumped 236 percent since 1939, compared with an increase of 183 percent for the rest of the country. Industry has raised income. So have high farm prices and a shift to a more diversified agriculture. Fifteen percent of southern income today comes from manufacturing, compared with 12½ percent in 1929.

Another factor is that the South pays less than 20 percent of all Federal taxes, and gets back nearly 30 percent of all Federal disbursements. Dr. Ratchford considers abundance of southern resources, especially an abundant supply of water, as second only to the South's increased purchasing power as a cause of the southern industrial boom.

The third most important factor, he says, is that the labor supply is being increased by a growing population and the greatly accelerated mechanization of farms. He says that inducements, such as land gifts and tax exemptions have had little influence upon location of industry in the South.

#### RURAL POPULATION

North Carolina, probably the most industrial of all southern States, has never had tax exemptions for new industry. Though relatively highly industrialized, North Carolina, like the rest of the South, is a State of many small towns and few cities. Nearly 70 percent of its population is rural. As



elsewhere in the South, many families combine the advantages of industrial employment with the security of small farm ownership.

In the postwar years there has been a great expansion and modernization of the textile industry, which has brought supplier industries, such as the synthetic fiber industry. The South's textile industry in recent years has also become greatly diversified, with expansion in finer yarns, in finishing, and in the woolen and worsted branches. Scores of new mills and finishing plants have been built, and others are in the blueprint stage.

#### MILLS MODERNIZED

These plants are windowless, air-conditioned, and architecturally stimulating to the southern scene. While they may not appear as much out of this world as the new multi-million-dollar plants going up, the existing southern mills have modernized, both in building and equipment, to an extent which was hardly considered within the realm of possibility a decade ago. The mills, often termed a "prince or pauper industry," have plowed back a large part of postwar earnings into equipment and machinery to improve their competitive position.

Some of the most spectacular postwar industrialization in the South has occurred in South Carolina. A new \$40,000,000 Celanese Corporation of America plant near Rock Hill has revitalized that college town. The historic resort town of Camden is booming because du Pont is building a big plant near there to make the new synthetic fiber, orlon.

#### PENDLETON EXPERIMENT WATCHED

PENDLETON, S. C.—Volumés could be written to tell of the amazing changes in the South's economy, industry, and agriculture in the postwar period. The National Planning Association's Committee on the South has dug up a barrel of facts and studies which tend to show many things, not the least of which is that the great number of industrial plants the region has gained represents a net addition to the country's industrial system rather than capacity which has been taken from other regions.

Essentially, the southern story today is one of industrial and agricultural growth, and of industrial and agricultural diversification. The New South—a term more significant today than ever before—is full of exciting scenes, and each part of the region has its own story to tell. But one might look a long time and never find a picture more symbolic of the changing South than can be seen near this little South Carolina up-country town.

Pendleton is a comparatively old town at the foothills of the Blue Ridge, and it hadn't changed a great deal until recent years. It is a historic town; a farmer's society organized in 1815 is still in existence, and the town boasts the oldest farmer's hall in the United States.

#### NEW PENDLETON VISITOR

Today you can take a main highway out of Pendleton and, on the edge of town, even if it's a bleak winter day, see something like 160 white-faced Hereford steers grazing in the lush front yard of an ultramodern, windowless, air-conditioned rayon twisting and weaving mill. The grass on that immense lawn or pasture, green the year round, which is amazingly high in protein content and reseeds itself, is all that the steers eat and grow fat upon.

This is a relatively new scene in the South even agriculturally; but it's not nearly all of the farm part of the story. But let's consider the industrial side. The mill in the center of the many acres of meadow, the Gerrish-Milliken rayon plant, is one of the scores of new textile mills and finishing plants which have been, and are being, built in the textile South in the postwar period. They

are windowless, totally enclosed, air-conditioned buildings of the most modern design, glazed tile interiors, and newest machinery with straight-line continuous production.

#### PROMISING EXPERIMENT

The project, known as the Deering-Milliken farm operation, is in the nature of an experiment, an experiment which agronomists believe will make a great contribution to the livestock industry of the rolling Piedmont, a part of the Old South that is hardly adaptable to the mechanized culture of cotton. The great green lawn, kept "mowed" by the steers, is a contribution of alta fescue grass, providing year-round grazing, and Ladino clover, which provides grazing plus legumes.

This combination, developed by the Department of Agriculture, has been tried out in other parts of the country—in Oregon and in Pennsylvania—but nowhere has it seemed to thrive better than in the rolling hills of the Carolina Piedmont.

#### ECONOMICAL CROPS

The South is undoing the damage of generations of a one-crop system. Thousands of acres are being planted in winter pasture. Kudzu, a deep-rooted, leguminous vine from Japan which has a prodigious summer growth, not only checks erosion but furnishes pasture and forage. In much of the South, agronomists say, year-round pasture would eliminate the investment in barns and equipment to house livestock and store forage.

### Let's Mine Some Coal

#### EXTENSION OF REMARKS OF

### HON. FRANCIS CASE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 1950

Mr. CASE of South Dakota. Mr. Speaker, under leave to extend my remarks, I include the following editorial from the Detroit Free Press of March 1, 1950:

#### THE COAL EMERGENCY—AN IMPASSE

Detroit's plight in the current coal emergency is no worse than that of many other communities in the United States, but it will serve as an example of how close to catastrophe we are approaching.

Public resentment is high, as indeed it should be, at the callous disregard for the general welfare which the coal miners and the operators are showing.

The thought of cold, heatless homes has gone beyond the scare stage and become reality. Schools in this city are to be closed unless relief, not now anticipated, is forthcoming within the next few hours.

Conditions have progressed by now to such a point that no relief can be expected for 2 or 3 weeks, even if the dispute were to be settled as this is written.

It is no exaggeration to say that the full responsibility for this deplorable and inexcusable situation lies full on the doorstep of President Harry S. Truman.

He played politics with the individual health and security of the people of the United States until matters deteriorated beyond his powers to control them.

Seldom if ever in the history of this Nation have we witnesses as callous and stubborn disregard for the rights of the people by a Chief Executive.

Ample warning was given him, and the means of averting disaster were in his hands.

He refused to use them, because Congress failed to give him his way and abolish the Taft-Hartley law so that he could win votes as the champion of labor.

Had he acted when the impending crisis became apparent, it is more than possible that the coal dispute would have been settled by this time.

Now it is too late for him to apply either his legal powers, or the implied powers which he so blithely claimed as one of his prerogatives.

The outcome of the legal action against the United Mine Workers holds no promise that the union members will go back to work.

If they choose to remain idle in the face of a Federal court order, who is to force them, as individuals, to comply?

There are nearly 400,000 strikers, and not enough jail cells to hold them all.

What if the Government seizes the mines? Who will dig the coal if the miners refuse to do so? Neither the Army, the Navy, nor the Marine Corps can do it.

The only thing now is an appeal to the patriotism and conscience of the miners.

Speaking in Atlantic City, Walter P. Reuther, president of the UAW (CIO) declared that both labor and management have a responsibility to the public that is above the interests of their special economic groups.

Those words ought to be shown to both the miners and the mine operators.

Only by an acceptance of that precept, based on the understanding that by their actions they are forcing millions of Americans toward cruel hardships, possible disease and economic distress, can the coal emergency quickly be resolved.

Whether the coal miners and the operators are beyond an appeal to patriotic duty remains to be seen.

But Mr. Truman at least should make the gesture of trying.

There is no other discernible immediate hope.

### Representative John B. Sullivan and Federal Gas Rates Regulation

#### EXTENSION OF REMARKS OF

### HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 3, 1950

Mr. BOLLING. Mr. Speaker, under leave to extend my remarks, I include the following editorial from the St. Louis Post-Dispatch of February 24, 1950, which calls attention to a small but important part of the fine work my colleague from Missouri, the Honorable JOHN B. SULLIVAN, has been doing to protect the interests of his constituents:

#### KERR'S HELPING HAND

When a special-interest group sets out through Congress to relieve the consumer of some of his money, it's customary to offer a high-sounding explanation. Senator KERR, wealthy Oklahoma oil man, has done this for a bill which passed the House and is before the Senate. He explains that his bill would help the independent natural-gas producer.

The Kerr bill would help independent producers, all right. It would help them to millions of dollars by exempting them from rate regulation by the Federal Power Commission. As for their independence, all that means is that these producers don't own gas pipe lines. Most of them are big oil companies and they represent about 70 percent of the gas industry.

For years the gas lobby has been busy in Congress. They have made a case at least for clarification of Federal powers. But if the Federal Power Commission were forbid-

# H. R. 7545

MARCH 3, 1950

# A BILL

To amend the Federal Property and Administrative Services Act of 1949, approved June 30, 1949.

1      *Be it enacted by the Senate and House of Representa-*  
2      *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 That this Act may be cited as "The Federal Records  
5 Management Act of 1950".

## 6 TABLE OF CONTENTS

7 That the Federal Property and Administrative Services  
8 Act of 1949, approved June 30, 1949, be and hereby is  
9 amended by—

10           (1) Changing title V in the table of contents to read  
11 as follows:



“TITLE VI—GENERAL PROVISIONS

- “Sec. 601. Applicability of existing procedures.
- “Sec. 602. Repeal and saving provisions.
- “Sec. 603. Authorization for appropriations.
- “Sec. 604. Separability.
- “Sec. 605. Effective date.”

- 1           (2) Inserting at the proper place in the table of con-
- 2 tents the following:

“TITLE V—FEDERAL RECORDS

- “Sec. 501. Organization.
- “Sec. 502. Current records management.
- “Sec. 503. Disposal of records.
- “Sec. 504. Archival management.
- “Sec. 505. Federal Register.
- “Sec. 506. Franklin D. Roosevelt Library.
- “Sec. 507. National Archives Trust Fund Board.
- “Sec. 508. General provisions.”

- 3           (3) Redesignating “Title V—General Provisions”, as
- 4 “Title VI—General Provisions”, and by changing the sec-
- 5 tion numbers thereof from 501, 502, 503, 504, and 505,
- 6 respectively, to 601, 602, 603, 604, and 605, respectively.

- 7           (4) Eliminating the word “and” preceding “(2)” in
- 8 subsection (d) of section 3, substituting a semicolon for
- 9 the period at the end of said subsection, and adding the
- 10 following language: “and (3) records of the Federal
- 11 Government”.

- 12           (5) Striking out the roman numeral “V” at the end
- 13 of line 10 of section 102 (a) and inserting in lieu thereof
- 14 the roman numeral “VI”.

- 15           (6) Striking out all the language following the comma
- 16 after the roman numeral “III” in the last line of section

1 208 (a) and inserting in lieu thereof the following: “V, and  
2 VI of this Act,”.

3 (7) Striking out the language following the comma  
4 after the roman numeral “III” through the word “Act”  
5 in the second line of section 208 (b) and inserting in lieu  
6 thereof the following: “V, and VI of this Act”.

7 (8) Striking out the word “and” at the end of section  
8 602 (a) (30), changing the period at the end of section  
9 602 (a) (31) to a colon, and adding the following  
10 subsections:

11 “(32) the Act entitled ‘An Act to establish a  
12 National Archives of the United States Government  
13 and for other purposes’, approved June 19, 1934 (48  
14 Stat. 1122-1124; 44 U. S. C. 300f, 300g, 300h, 300i,  
15 300k) ;

16 “(33) the Act entitled ‘An Act to amend sec-  
17 tion 8 of the Act entitled “An Act to establish a Na-  
18 tional Archives of the United States Government and  
19 for other purposes”, approved June 22, 1936 (49  
20 Stat. 1821-1822; 44 U. S. C. 300h) ;’

21 “(34) the Act entitled ‘An Act to amend the  
22 Act entitled “An Act to establish a National Archives  
23 of the United States Government, and for other pur-  
24 poses”, approved March 3, 1948 (62 Stat. 58; 44  
25 U. S. C. 300c, 300f-1, 300h-1) ;’

1           “(35) the Act entitled ‘An Act to amend section  
2       10 of the Act entitled “An Act to establish a National  
3       Archives of the United States Government, and for other  
4       purposes”, approved June 8, 1948 (62 Stat. 344; 44  
5       U. S. C. 300i) ;’

6           “(36) the Act entitled ‘An Act to amend the Act  
7       of June 19, 1934, providing for the establishment of  
8       the National Archives, so as to provide that certain fees  
9       collected by the Archivist shall be available for disburse-  
10      ment in the interest of the National Archives’, approved  
11      June 25, 1948 (62 Stat. 1026; 44 U. S. C. 300h) ;

12          “(37) the Act entitled ‘An Act to provide for the  
13      disposal of certain records of the United States Govern-  
14      ment’, approved July 7, 1943 (57 Stat. 380-383; 44  
15      U. S. C. 366-380) ;

16          “(38) the Act entitled ‘An Act to amend the Act  
17      to provide for the disposal of certain records of the  
18      United States Government’, approved July 6, 1945  
19      (59 Stat. 434; 44 U. S. C. 366-380) ;

20          “(39) the Act cited as the ‘National Archives Trust  
21      Fund Board Act’, approved July 9, 1941 (55 Stat. 581;  
22      44 U. S. C. 300aa-300ii) ;

23          “(40) the Act cited as the ‘Federal Register Act’,  
24      approved July 26, 1935 (49 Stat. 500-503, as amended;  
25      44 U. S. C. 301-314; and



1           “(41) sections 203, 204, 205, 206, 207, 208, and  
2           209 of the joint resolution entitled ‘Joint resolution to  
3           provide for the establishment and maintenance of the  
4           Franklin D. Roosevelt Library, and for other purposes’,  
5           approved July 18, 1939 (53 Stat. 1062-1066).”

6           (9) Changing the period at the end of section 603 (a)  
7           to a comma and adding the following: “including—

8           “(1) such sums as may be necessary to enable the  
9           head of each agency to appoint staff assistants for  
10          records matters in order to enable him to discharge  
11          efficiently the responsibilities imposed upon him by the  
12          provisions of title V of this Act;

13          “(2) the expenses of the Federal Register, the  
14          Franklin D. Roosevelt Library, and the members of the  
15          Board of Trustees of the Franklin D. Roosevelt Library,  
16          as well as the costs of necessary clerical assistance for  
17          the Board; printing and binding; personal services in  
18          the District of Columbia and elsewhere; a health service  
19          program; travel and subsistence and per diem in lieu  
20          of subsistence, notwithstanding the provisions of any  
21          other acts; purchase and exchange of books and maps;  
22          payment in advance when authorized by the Admin-  
23          istrator for library memberships in societies whose pub-  
24          lications are available to members only or to members  
25          at a price lower than to the general public; purchase,

1 exchange, and operation of motor vehicles; and all  
2 absolutely necessary contingent expenses, are to be ex-  
3 pended under the direction of the Administrator, who  
4 shall annually submit to Congress estimates therefor in  
5 the manner prescribed by law”.

6 (10) Adding a new subsection to section 603 to read  
7 as follows:

8 “(c) The cost of printing, reprinting, wrapping, bind-  
9 ing, and distributing the Federal Register and any other  
10 expenses incurred by the Government Printing Office in  
11 carrying out the duties placed upon it by section 505 of this  
12 Act shall be borne by the appropriation to the Government  
13 Printing Office and such appropriations are hereby made  
14 available, and are authorized to be increased by such addi-  
15 tional sums as are necessary for such purposes, such increases  
16 to be based upon estimates submitted by the Public Printer.”

17 (11) Striking out the language “section 502 (a) (2)”  
18 in line 2 of section 605 and inserting in lieu thereof the  
19 language “section 602 (a) (2)”;

20 (12) Inserting a new title following section 404 to pro-  
21 vide for the creation, preservation, management, and disposal  
22 of records of the United States Government, for the custody  
23 of Federal proclamations, orders, regulations, notices, and  
24 other documents and for the prompt and uniform printing

1 and distribution thereof, and for other purposes to read as  
2 follows:

3 “TITLE V—FEDERAL RECORDS ORGANIZATION

4 “(a) The Administrator shall have immediate custody  
5 and control of the National Archives Building, the Franklin  
6 D. Roosevelt Library Building (except as otherwise provided  
7 in section 506 (d) of this title), and such other buildings,  
8 grounds, and equipment as may from time to time become a  
9 part of the National Archives and Records Service, and he  
10 shall also have authority to design, construct, purchase, and  
11 lease buildings for the National Archives and Records Service  
12 and to maintain, operate, protect, and improve any such  
13 buildings used by him for the storage of records in the  
14 District of Columbia and elsewhere.

15 “(b) There is hereby created a National Archives  
16 Council, the expenses of which are authorized to be paid by  
17 the Administrator, composed of six representatives of the  
18 executive branch of the Government to be appointed by the  
19 President, one Member of the United States Senate to be  
20 appointed by the President of the Senate, one Member of  
21 the House of Representatives to be appointed by the  
22 Speaker of the House, two representatives of the judicial  
23 branch of the Government to be appointed by the Chief  
24 Justice of the United States, the Librarian of Congress, and

1 the Archivist who shall be its Chairman. Members shall  
2 serve without compensation except repayment of expenses  
3 actually incurred in attending meetings of the Council, which  
4 shall be on call of the Chairman. The Council shall meet at  
5 least once annually.

6 “(c) The said Council shall formulate regulations, not  
7 inconsistent with the provisions of this title. It shall be  
8 the duty of the Administrator to enforce these regulations.  
9 Said regulations shall—

10 “(1) establish classes of records eligible for trans-  
11 fer to the National Archives;

12 “(2) govern the transfer of records to the National  
13 Archives, of records from the custody of one agency  
14 to that of another, of records deposited or approved for  
15 deposit in the National Archives to public or educational  
16 institutions or associations, and of records to the National  
17 Archives from authorized private sources;

18 “(3) govern methods for the disposal of records  
19 authorized for disposal;

20 “(4) govern methods to be utilized by the Admin-  
21 istrator or his deputies in the inspection of records, the  
22 use of which is restricted for reasons of national security;

23 “(5) establishing standards for the reproduction  
24 of records by photographic, microphotographic, or other



1 processes for the purpose of disposing of the original  
2 records;

3 “(6) govern the withdrawal by the Administrator  
4 of disposal authorizations covering records listed in dis-  
5 posal schedules approved by Congress;

6 “(7) govern the duration of statutory and other  
7 restrictions on the use of specific bodies of official rec-  
8 ords of the Government deposited in the National  
9 Archives; and

10 “(8) establish safeguards against the removal or loss  
11 of records, and such regulations, when promulgated by  
12 the Council and approved by the Administrator, shall  
13 be binding on all agencies of the Government.

14 “The Council shall also advise the Administrator with  
15 respect to any matters relating to Federal records that he  
16 may refer to it.

17 “(d) There is hereby created a National Historical Pub-  
18 lications Commission, the expenses of which are hereby  
19 authorized to be paid by the Administrator, which shall  
20 consist of the Archivist, or an alternate designated by him,  
21 who shall be its Chairman, the Librarian of Congress, or an  
22 alternate designated by him, one Member of the United States  
23 Senate to be appointed by the President of the Senate, one  
24 Member of the House of Representatives to be appointed by

1 the Speaker of the House, one representative of the judicial  
2 branch of the Government to be appointed by the Chief  
3 Justice of the United States, two members of the American  
4 Historical Association appointed by the President thereof  
5 from those persons who are or have been members of the  
6 Executive Council of the said Association and two other  
7 members outstanding in the fields of the social or physical  
8 sciences to be appointed by the President of the United  
9 States. Members, other than the Archivist and the Librarian  
10 of Congress, shall be appointed for terms ending January 1,  
11 1954, and for four year terms thereafter. Any vacancy in  
12 the membership of the Commission shall be filled in the  
13 same manner in which the original appointment was made.  
14 Members employed by and representing the Government  
15 shall serve without additional compensation as members of  
16 the Commission. Members representing the public shall be  
17 paid in accordance with the provisions of section 208 (b)  
18 of title II of this Act. All members shall be reimbursed for  
19 expenses actually incurred in attending meetings of the Com-  
20 mission. The Commission shall meet annually and on call  
21 of the Chairman.

22 “(e) The said Commission shall make plans, estimates,  
23 and recommendations for such historical works and collec-  
24 tions of sources as seem appropriate for printing or otherwise  
25 recording at the public expense. The Chairman of the Com-

1 mission shall transmit to the Administrator, from time to  
2 time, such plans, estimates, and recommendations as have  
3 been approved by the Commission.

4 “(f) The Administrator shall transmit to Congress at  
5 the beginning of each regular session a report of the said  
6 Commission for the preceding fiscal year.

7 “CURRENT RECORDS MANAGEMENT

8 “SEC. 502. (a) The Administrator—

9 “(1) shall make provisions for the economical and  
10 efficient management of records of agencies of the  
11 Government—

12 “(a) by analyzing, developing, promoting, and  
13 coordinating standards, procedures, and techniques  
14 designed to improve the management of current  
15 records, to insure the maintenance and retention of  
16 records deemed appropriate for permanent preserva-  
17 tion, and to facilitate the segregation and disposal  
18 of valueless records; and

19 “(b) by promoting the efficient and economical  
20 utilization of space, equipment, and supplies needed  
21 for the purpose of creating, maintaining, storing,  
22 and servicing records;

23 “(2) shall establish standards for the selective re-  
24 tention of permanently valuable records, and assist  
25 agencies in applying such standards to records in their

1 custody; and shall notify the head of any agency of any  
2 actual, impending, or threatened unlawful removal, de-  
3 facing, alteration, or destruction of records in the custody  
4 of such agency that shall come to his attention, and  
5 assist the head of such agency in initiating action for  
6 the recovery of such records as shall have been unlaw-  
7 fully removed and for such other redress as may be  
8 provided by law;

9 “(3) shall have charge and superintendence of all  
10 records belonging to the Government of the United  
11 States (legislative, executive, judicial, and other) to  
12 this extent: He shall have full power to inspect or sur-  
13 vey personally or by deputy the records of any agency  
14 of the United States Government, as well as to make  
15 or coordinate surveys of records management and rec-  
16 ords disposal practices in such agencies, and shall be  
17 given the full cooperation of officials and employees of  
18 agencies in such inspections and surveys, and to requis-  
19 ition for transfer to the National Archives such classes  
20 of archives or records as the National Archives Council  
21 shall define for such transfer: *Provided*, That such in-  
22 spections or surveys of records, the use of which is  
23 restricted for reasons of national security, shall be made  
24 in accordance with regulations promulgated by the Na-  
25 tional Archives Council;



1           “(4) is authorized to establish, maintain, and oper-  
2       ate records centers for the storage, processing, and  
3       servicing of records pending their deposit in the National  
4       Archives or their disposition in any other manner author-  
5       ized by law, and to transfer such records thereto;

6           “(5) is authorized to direct and effect the trans-  
7       fer, in accordance with regulations promulgated by the  
8       National Archives Council, whenever it appears to him  
9       to be in the public interest, of records from the custody  
10      of one agency to that of another; and

11          “(6) may by regulation authorize any or all execu-  
12      tive agencies to make and to rent or sell, subject to such  
13      limitations as he may prescribe therein, to interested  
14      persons, concerns, or institutions, reproductions of offi-  
15      cial current records in their custody, including, but not  
16      limited to, papers;

17 Manuscripts, documents, books, photographs, lantern slides,  
18 motion-picture films, and sound reproductions, that are not  
19 exempt from examination by statutory or other restrictions,  
20 to the extent consistent with national security as determined,  
21 and at such prices and fees (not less than the estimated cost  
22 thereof) as may be prescribed by the head of the executive  
23 agency having custody; and all proceeds of such sales or  
24 rentals shall be covered into the Treasury as miscellaneous  
25 receipts except as otherwise provided by law.

1 “(b) The head of each agency—

2 “(1) shall cause to be made and preserved records  
3 that will contain adequate and proper evidence on the  
4 organization, functions, policies, decisions, procedures,  
5 and essential transactions of the agency of which he is the  
6 head, and that will contain all information necessary to  
7 protect the legal and financial rights of the Government  
8 and of the people whose rights are directly affected by  
9 the agency’s activities;

10 “(2) shall establish and maintain an active, con-  
11 tinuing program for the economical and efficient manage-  
12 ment of the records of the agency of which he is head—

13 “(a) by providing effective controls over the  
14 creation, maintenance, and use of records needed in  
15 the conduct of current business;

16 “(b) by cooperating with the Administrator in  
17 applying standards, procedures, and techniques de-  
18 signed to improve the management of current rec-  
19 ords, to insure the maintenance and retention of  
20 records deemed appropriate for permanent preserva-  
21 tion, and to facilitate the segregation and disposal of  
22 valueless records; and

23 “(c) by insuring conformance within the  
24 agency to the provisions of this title and regulations  
25 issued thereunder,

1           “(3) shall provide, whenever economies can be  
2       effected thereby, for the storage, processing, and serv-  
3       icing of records in records centers: *Provided*, That he may  
4       establish and operate such records centers only with the  
5       concurrence of the Administrator;

6           “(4) shall establish such safeguards against the  
7       removal or loss of records as he shall determine neces-  
8       sary or as may be required by regulations of the National  
9       Archives Council;

10          “(5) as well as any other official of the Govern-  
11       ment, who is authorized to certify to facts on the basis  
12       of records in his custody is hereby authorized to certify  
13       to facts on the basis of records that have been transferred  
14       by him or his predecessors to the National Archives and  
15       Records Service;

16          “(6) shall cause to be made known to all officials  
17       and employees of the agency (1) that no records in the  
18       custody of the agency shall be alienated or destroyed ex-  
19       cept in accordance with the provisions of section 503 of  
20       this title, and (2) the penalties provided by law for the  
21       unlawful removal or destruction of records; and

22          “(7) shall notify the Attorney General of any  
23       actual, impending, or threatened unlawful removal, de-  
24       facing, alteration, or destruction of records in the cus-  
25       tody of the agency of which he is the head that shall

1       come to his attention, and shall initiate action through  
2       the Attorney General for the recovery of records he  
3       knows or has reason to believe have been unlawfully  
4       removed from his agency, or from any other agency  
5       whose records have been transferred to his legal custody.

6                               “DISPOSAL OF RECORDS

7       “SEC. 503. (a) The Administrator—

8               “(1) shall submit to Congress, from time to time,  
9       the lists or schedules submitted to him in accordance  
10      with the provisions of subsection (c) of this section, or  
11      parts of such lists or schedules, and lists or schedules  
12      of any records in the custody of the National Archives  
13      and Records Service insofar as it shall appear to him  
14      after appraisal of the records listed in such lists or  
15      schedules that they do not, or will not after the lapse  
16      of the period specified, have sufficient value to warrant  
17      their continued preservation by the United States Gov-  
18      ernment: *Provided*, That the Administrator shall not  
19      submit to Congress lists or schedules proposing the  
20      disposal of records of any existing agency, including  
21      its predecessors, of the Government in the custody of  
22      the National Archives and Records Service without first  
23      having obtained the written consent of the head of such  
24      agency: *And provided further*, That should no such  
25      lists or schedules be submitted to Congress by the Ad-

1       ministrator for any period of three months' duration  
2       while Congress is in session, the Administrator shall  
3       report to Congress that no such lists or schedules were  
4       submitted to him by agencies during such a period or  
5       otherwise explain his failure to submit such lists and  
6       schedules during such a period;

7           “(2) shall prepare and submit general schedules to  
8       Congress from time to time, together with recommen-  
9       dations of the National Archives Council with respect  
10      thereto;

11          “(3) shall notify the agency or agencies having  
12      records in their custody that are listed in a list, schedule,  
13      or general schedule of the action of the Congress taken  
14      with respect to such lists, schedules, or general schedules;

15          “(4) may empower an agency, upon the submis-  
16      sion of evidence of need therefor, to retain records for a  
17      longer period than that specified in schedules approved  
18      by Congress, and in accordance with regulations pro-  
19      mulgated by the National Archives Council, may with-  
20      draw disposal authorizations covering records listed in  
21      disposal schedules approved by Congress;

22          “(5) may empower an agency or agencies to dis-  
23      pose of records in accordance with regulations promul-  
24      gated by the National Archives Council that have been



1 covered by a list, schedule, or general schedule sub-  
2 mitted to Congress by the Administrator whenever the  
3 Congress fails to act during any regular or special  
4 session on such list, schedule, or general schedule: *Pro-*  
5 *vided*, That such list, schedule, or general schedule was  
6 submitted to the Congress by the Administrator not  
7 less than ten days prior to the adjournment of such  
8 session;

9 “(6) may cause the elimination immediately by  
10 whatever method he may deem necessary of any records  
11 in the custody of an agency which the Administrator  
12 and the head of the agency jointly determine to be a  
13 continuing menace to human health or life or to  
14 property. If any records in the National Archives and  
15 Records Service are disposed of under this section, the  
16 Administrator shall report the disposal thereof to the  
17 agency from which they were transferred.

18 “(b) At any time during the existence of a state of  
19 war between the United States and any other nation, or  
20 when hostile action by a foreign power appears imminent,  
21 or in case of serious domestic violence in a foreign country,  
22 any responsible official of the United States Government  
23 may authorize the destruction of any records in his imme-  
24 diate custody situated in any embassy, legation, consulate,

1 Military or Naval Establishment, ship, or other depository  
2 outside the territorial limits of continental United States,  
3 (1) the retention of which would be prejudicial to the  
4 interests of the United States or (2) which occupy space  
5 urgently needed for military purposes and are, in his opinion,  
6 without sufficient value to warrant their continued preserva-  
7 tion: *Provided*, That within six months after the disposal  
8 of any such records, the head of the agency shall submit a  
9 written report thereon to the Administrator in which he  
10 shall describe the character of such records and state when  
11 and where the disposal thereof was accomplished. The  
12 Administrator shall submit a report to Congress at the  
13 beginning of each regular session as to records disposed of  
14 under the provisions of this subsection.

15 “(c) The head of each agency—

16 “(1) shall submit to the Administrator lists or  
17 schedules proposing the disposal of records in his custody  
18 in accordance with regulations promulgated by the Na-  
19 tional Archives Council;

20 “(2) shall not dispose of records pertaining to  
21 claims and demands by the Government of the United  
22 States or against it, or to any account in which the Gov-  
23 ernment of the United States is concerned, either as  
24 debtor or creditor, until such claims, demands, and ac-

1 counts have been settled and adjusted in the General  
2 Accounting Office, except upon the written approval of  
3 the Comptroller General of the United States;

4 “(3) shall cause the disposal of records in accord-  
5 ance with regulations promulgated by the National  
6 Archives Council that are described in lists or schedules  
7 authorized for disposal by the Congress: *Provided*, That  
8 authorizations covering records in general schedules shall  
9 be permissive and not mandatory; and

10 “(4) shall pay into the Treasury of the United  
11 States all moneys derived from the sale of records author-  
12 ized for disposal under provisions of this section unless  
13 otherwise required by existing law applicable to the  
14 agency.

15 “(d) Whenever the Administrator shall submit lists,  
16 schedules, or general schedules to Congress, it shall be the  
17 duty of the presiding officer of the Senate to appoint two  
18 Senators who, with the members of the Subcommittee on  
19 the Disposition of Executive Papers of the Committee on  
20 House Administration, shall constitute a joint committee to  
21 which all such lists, schedules, and general schedules shall  
22 be referred, and the joint committee shall examine such lists,  
23 schedules, or general schedules and submit to the Senate  
24 and the House of Representatives, respectively, a report of  
25 such examination and its recommendations. If the joint



1 committee reports that any of the records listed in a list,  
2 schedule, or general schedule referred to it do not, or will  
3 not after the lapse of the period specified, have sufficient  
4 value to warrant their continued preservation by the Gov-  
5 ernment, the report of the joint committee shall constitute  
6 authorization to dispose of the records in accordance with  
7 regulations promulgated by the National Archives Council.

8 “(e) The procedures prescribed in this section are ex-  
9 clusive and no records of the Government may be alienated  
10 or destroyed except in accordance with the provisions of  
11 this section.

12 “ARCHIVAL MANAGEMENT

13 “SEC. 504. (a) The Administrator—

14 “(1) is hereby authorized to direct and effect the  
15 transfer, whenever it appears to him to be in the public  
16 interest, in accordance with regulations promulgated  
17 by the National Archives Council—

18 “(a) of records falling within the classes eli-  
19 gible for transfer established in regulations promul-  
20 gated by the National Archives Council, from the  
21 custody of an agency to the National Archives,  
22 unless the head of the agency certifies that such  
23 records are needed in the conduct of the current  
24 business of the agency;

25 “(b) of records deposited, or approved for

1 deposit, in the National Archives to public or edu-  
2 cational institutions or associations: *Provided*, That  
3 the title to such records shall remain vested in the  
4 Administrator unless otherwise authorized by  
5 Congress; and

6 “(c) of records and other materials from pri-  
7 vate sources authorized to be received by the  
8 National Archives by the provisions of subsection  
9 (5) (b) of this section;

10 “(2) shall administer and make regulations for  
11 the custody, use, and withdrawal of records transferred  
12 to the National Archives and Records Service: *Pro-*  
13 *vided*, That whenever any records the use of which is  
14 subject to statutory limitations and restrictions are  
15 transferred to the National Archives and Records Serv-  
16 ice, permissive and restrictive statutory provisions with  
17 respect to the examination and use of such records  
18 applicable to the head of the agency having custody  
19 of them or to employees of that agency shall thereafter  
20 likewise be applicable to the Administrator, the Archivist,  
21 and to the employees of the National Archives and  
22 Records Service, respectively: *And provided further*,  
23 That whenever the head of any agency shall specify in  
24 writing restrictions on the use or examination of records  
25 being considered for transfer from his custody to the

1 National Archives and Records Service that appear to  
2 him to be necessary or desirable in the public interest,  
3 the Administrator shall impose such restrictions on the  
4 records that are transferred to the National Archives  
5 and Records Service, and restrictions so imposed shall  
6 not be removed or relaxed by the Administrator without  
7 the concurrence in writing of the head of the agency  
8 from which the material shall have been transferred  
9 unless the existence of that agency shall have been  
10 terminated: *Provided however*, That statutory and other  
11 restrictions referred to in the provisos of this subsection  
12 shall not remain in force or effect after the records have  
13 been in existence for fifty years unless the National  
14 Archives Council by resolution shall determine with  
15 respect to specific bodies of records that such restrictions  
16 shall remain in force and effect for a shorter or a longer  
17 period: *And provided further*, That restrictions on the  
18 use or examination of records deposited with the  
19 National Archives heretofore imposed and now in force  
20 and effect under the terms of section 3 of the National  
21 Archives Act, approved June 19, 1934, shall continue  
22 in force and effect regardless of the expiration of the  
23 tenure of office of the official who imposed them but  
24 may be removed or relaxed by the Administrator with  
25 the concurrence in writing of the head of the agency

1 from which the material has been transferred or by the  
2 Administrator alone if the existence of that agency shall  
3 have been terminated;

4 “(3) shall make provisions for the preservation,  
5 arrangement, repair and rehabilitation, duplication and  
6 reproduction (including microcopy publications), de-  
7 scription, and exhibition of records in the National Ar-  
8 chives and Records Service as may be needful or appro-  
9 priate, including the preparation and publication of in-  
10 ventories, indexes, catalogs, and other finding aids or  
11 guides facilitating their use; and, when approved by the  
12 National Historical Publications Commission, he may  
13 also publish such collections of sources and historical  
14 works as seem appropriate for printing or otherwise  
15 recording at the public expense;

16 “(4) shall make such provisions and maintain such  
17 facilities as he deems necessary or desirable for servicing  
18 records in the National Archives and Records Service  
19 that are not exempt from examination by statutory pro-  
20 visions or other restrictions, in accordance with regula-  
21 tions established by him;

22 “(5) may accept for deposit in the National  
23 Archives—

24 “(a) the personal papers and other historical  
25 documentary materials of the present President of



1 the United States, his successors, heads of executive  
2 departments, and such other officials of the Govern-  
3 ment as the President may designate, offered for  
4 deposit with the National Archives of the United  
5 States under restrictions respecting their use speci-  
6 fied in writing by the prospective depositors: *Pro-*  
7 *vided*, That restrictions so specified on such ma-  
8 terials, or any portions thereof, accepted by the  
9 Administrator for such deposit shall have force and  
10 effect during the lifetime of the depositor or for a  
11 period not to exceed twenty-five years, whichever is  
12 longer, unless sooner terminated in writing by the  
13 depositor or his legal heirs: *And provided further*,  
14 That the Administrator determines that the ma-  
15 terials accepted for such deposit will have continuing  
16 historical or other values;

17 “(b) and preserve records, including motion-  
18 picture films, still pictures, sound recordings, and  
19 other documentary materials, from private sources,  
20 that are appropriate for preservation by the Gov-  
21 ernment as evidence of its organization, functions,  
22 policies, decisions, procedures and transactions;

23 “(6) is hereby authorized to make and preserve  
24 motion-picture films, still pictures, and sound recordings



1       pertaining to and illustrative of the historical develop-  
2       ment of the United States Government and its activi-  
3       ties, and to make necessary provisions for preparing,  
4       editing, titling, scoring, processing, duplicating, repro-  
5       duction, exhibiting, and releasing motion-picture films,  
6       still pictures, and sound recordings in his custody.

7       “(b) (1) The National Archives shall have an official  
8       seal which shall be judicially noticed. The Administrator  
9       may charge a fee not in excess of 10 per centum above the  
10      costs or expenses for making or authenticating copies or  
11      reproductions of materials deposited in the National Archives  
12      and Records Service. All such fees shall be paid into, ad-  
13      ministered, and expended as a part of the National Archives  
14      Trust Fund provided for in section 507 of this title. When  
15      any such copy or reproduction furnished under the terms  
16      hereof is authenticated by the official seal of the National  
17      Archives and certified by the Administrator or his delegate,  
18      or in his or his delegatee’s name attested by any duly  
19      designated official or employee of the National Archives and  
20      Records Service, it shall be admitted in evidence equally  
21      with the original from which it was made.

22      “(2) The Administrator may designate as depository  
23      archives such State or other archival institutions in the  
24      United States and its Territories as he may deem to be  
25      proper, and distribute to designated depository archives and

1 to libraries designated in accordance with law as depository  
2 libraries, or to such of them as he may deem appropriate,  
3 copies of microfilm reproductions of records in his custody  
4 that constitute important source materials or that contain  
5 information concerning the social, economic, political, and  
6 cultural development of the United States, the dissemina-  
7 tion of which is deemed by him to be desirable and in the  
8 public interest.

9 “(3) With respect to letters and other intellectual pro-  
10 ductions in the custody or possession of the National Archives  
11 and Records Service, neither the United States nor its  
12 agents shall be liable for any infringement of literary prop-  
13 erty rights or analogous rights arising out of use of such  
14 materials for display, inspection, research, reproduction, or  
15 other purposes.

16 “FEDERAL REGISTER

17 “SEC. 505. (a) The Administrator is charged with the  
18 custody and, together with the Public Printer, with the  
19 prompt and uniform printing and distribution of the docu-  
20 ments required or authorized to be published under subsection  
21 (d) of this section.

22 “(b) The original and two duplicate originals or certi-  
23 fied copies of any document required or authorized to be  
24 published under subsection (d) of this section shall be filed  
25 with the Administrator. The Administrator shall cause

1 to be noted on the original and duplicate originals or certi-  
2 fied copies of each document the day and hour of filing  
3 thereof: *Provided*, That when the original is issued, pre-  
4 scribed, or promulgated outside of the District of Columbia  
5 and certified copies are filed before the filing of the originals,  
6 the notation shall be of the day and hour of filing of the  
7 certified copies. Upon such filing, at least one copy shall  
8 be immediately available for public inspection. The original  
9 shall be deposited with and retained in the National Archives  
10 and shall be available for inspection under regulations to be  
11 prescribed by the Administrator. The Administrator shall  
12 transmit immediately to the Government Printing Office for  
13 printing, as provided in this section, one duplicate original  
14 or certified copy of each document required or authorized  
15 to be published under subsection (d) of this section. Every  
16 agency shall cause to be transmitted for filing as herein  
17 required the original and the duplicate originals or certi-  
18 fied copies of all such documents issued, prescribed, or pro-  
19 mulgated by the agency.

20 “(c) All documents required or authorized to be pub-  
21 lished under subsection (d) of this section shall be printed  
22 and distributed forthwith by the Government Printing Office  
23 in a serial publication designated the ‘Federal Register’. It  
24 shall be the duty of the Public Printer to make available the  
25 facilities of the Government Printing Office for the prompt

1 printing and distribution of the Federal Register in the  
2 manner and at the times required in accordance with the  
3 provisions of this section and the regulations prescribed here-  
4 under. The contents of the daily issues shall be indexed and  
5 shall comprise all documents, required or authorized to be  
6 published, filed with the Administrator up to such time of  
7 the day immediately preceding the day of distribution as  
8 shall be fixed by regulations hereunder. There shall be  
9 printed with each document a copy of the notation, required  
10 to be made under subsection (b) of this section, of the  
11 day and hour when, upon filing with the Administrator,  
12 such document was made available for public inspection.  
13 Distribution shall be made by delivery or by deposit at a  
14 post office at such time in the morning of the day of  
15 distribution as shall be fixed by such regulations prescribed  
16 hereunder. The prices to be charged for the Federal  
17 Register or special editions thereof may be fixed by the  
18 Administrative Committee of the Federal Register estab-  
19 lished by subsection (e) of this section without reference  
20 to the restrictions placed upon and fixed for the sale of  
21 Government publications by section 1 of the Act of May  
22 11, 1922, and section 307 of the Act of June 30, 1932  
23 (U. S. C., title 44, secs. 72 and 72a), and any amendments  
24 thereto.



1       “(d) (1) There shall be published in the Federal  
2 Register (a) all Presidential proclamations and Executive  
3 orders; (b) such documents or classes of documents as the  
4 President shall determine from time to time have general  
5 applicability and legal effect; and (c) such documents or  
6 classes of documents as may be required so to be published  
7 by Act of the Congress: *Provided*, That for the purposes  
8 of this section, every document or order which shall prescribe  
9 a penalty shall be deemed to have general applicability and  
10 legal effect.

11       “(2) In addition to the foregoing, there shall also be  
12 published in the Federal Register such other documents or  
13 classes of documents as may be authorized to be published  
14 pursuant hereto by regulations prescribed hereunder with  
15 the approval of the President, but in no case shall comments  
16 or news items of any character whatsoever be authorized to  
17 be published in the Federal Register.

18       “(e) There is established a permanent Administrative  
19 Committee of the Federal Register of three members con-  
20 sisting of the Archivist, the Attorney General, and the Public  
21 Printer, or their duly designated representatives. The Ad-  
22 ministrator or his designated representative shall be chairman  
23 of the committee and the Administrator shall designate a  
24 secretary of the committee. The committee shall prescribe,  
25 with the approval of the President, regulations for carrying

1 out the provisions of this section. Such regulations shall pro-  
2 vide, among other things, (1) the manner of certification of  
3 copies required to be certified under subsection (b) of this  
4 section, which certification may be permitted to be based  
5 upon confirmed communications from outside of the District  
6 of Columbia; (2) the documents which shall be authorized  
7 pursuant to subsection (d) (2) of this section to be published  
8 in the Federal Register; (3) the manner and form in which  
9 the Federal Register shall be printed, reprinted, compiled,  
10 indexed, bound, and distributed; (4) the number of copies  
11 of the Federal Register which shall be printed, reprinted,  
12 and compiled, the number which shall be distributed without  
13 charge to Members of Congress, officers and employees of  
14 the United States, or any agency for their official use, and  
15 the number which shall be available for distribution to the  
16 public; and (5) the prices to be charged for individual  
17 copies of, and subscriptions to, the Federal Register and  
18 reprints and special editions thereof.

19 “(f) No document required under subsection (d) (1)  
20 of this section to be published in the Federal Register shall  
21 be valid as against any person who has not had actual  
22 knowledge thereof until the duplicate originals or certified  
23 copies of the document shall have been filed with the  
24 Administrator and a copy made available for public inspec-  
25 tion as provided in subsection (b) ; and, unless otherwise



1 specifically provided by statute, such filing of any docu-  
2 ment, required or authorized to be published under subsec-  
3 tion (d), shall, except in cases where notice by publica-  
4 tion is insufficient in law, be sufficient to give notice of the  
5 contents of such document to any person subject thereto or  
6 affected thereby. The publication in the Federal Register  
7 of any document shall create a rebuttable presumption (1)  
8 that it was duly issued, prescribed, or promulgated; (2)  
9 that it was duly filed with the Administrator and made  
10 available for public inspection at the day and hour stated  
11 in the printed notation; (3) that the copy contained in the  
12 Federal Register is a true copy of the original; and (4)  
13 that all requirements of this section and the regulations pre-  
14 scribed hereunder relative to such document have been com-  
15 plied with. The contents of the Federal Register shall be  
16 judicially noticed and, without prejudice to any other mode  
17 of citation, may be cited by volume and page number.

18 “(g) Whenever notice of hearing or of opportunity to  
19 be heard is required or authorized to be given by or under  
20 an Act of the Congress, or may otherwise properly be given,  
21 the notice shall be deemed to have been duly given to all  
22 persons residing within the continental United States (not  
23 including Alaska), except in cases where notice by pub-  
24 lication is insufficient in law, if said notice shall be published  
25 in the Federal Register at such time that the period between

1 the publication and the date fixed in such notice for the  
2 hearing or for the termination of the opportunity to be  
3 heard shall be (1) not less than the time specifically pre-  
4 scribed for the publication of the notice by the appropriate  
5 Act of the Congress; or (2) not less than fifteen days  
6 when no time for publication is specifically prescribed by  
7 the Act, without prejudice, however, to the effectiveness  
8 of any notice of less than fifteen days where such shorter  
9 period is reasonable.

10 “(h) Every payment made for the Federal Register  
11 shall be covered into the Treasury as a miscellaneous receipt.  
12 Copies of the Federal Register mailed by the Government  
13 shall be entitled to the free use of the United States mails  
14 in the manner prescribed by law. The cost of mailing the  
15 Federal Register to officers and employees of agencies in  
16 foreign countries shall be borne by the respective agencies.

17 “(i) The limitations upon the effectiveness of docu-  
18 ments required, under subsection (d) (1) of this section,  
19 to be published in the Federal Register shall not be operative  
20 as to any document issued, prescribed, or promulgated prior  
21 to the date when such document was first required by the  
22 Federal Register Act of July 26, 1935, or by subsequent  
23 Act of the Congress or by Executive order, to be published  
24 in the Federal Register.

25 “(j) (1) The Administrator shall supervise and coor-

1   dinate the form, style, arrangement, codification, and index-  
2   ing of all documents required or authorized to be published  
3   in the Federal Register which are of general application  
4   and future effect and designed to implement, interpret, or  
5   prescribe law or policy or to describe procedure or practice  
6   requirements. The Administrator shall maintain the pub-  
7   lication of the Code of Federal Regulations as a special  
8   edition of the Federal Register by incorporating such of  
9   these documents as are of a permanent nature in the 1949  
10   edition or subsequent editions thereof pursuant to regulations  
11   prescribed under the authority of subsection (j) (3) of  
12   this section.

13       “(2) The codified documents published in the special  
14   edition of the Federal Register pursuant to the provisions  
15   of subsection (j) (3) of this section shall be prima facie  
16   evidence of the text of the original documents and of the  
17   fact that, as amended by documents subsequently filed with  
18   the Administrator and published in the daily issues of the  
19   Federal Register, they are in full force and effect. The  
20   contents of the special editions shall be judicially noticed  
21   and, without prejudice to any other mode of citation, may  
22   be cited by title and section number.

23       “(3) The Administrative Committee of the Federal  
24   Register shall prescribe, with the approval of the Admin-  
25   istrator, regulations for carrying out the provisions of this

1 section. Such regulations shall provide, among other things,  
2 the manner and form in which the Code of Federal Regula-  
3 tions or individual volumes thereof shall be printed, reprinted,  
4 supplemented, and revised: *Provided*, That a complete new  
5 edition shall not be published oftener than once in each five  
6 years.

7 “(k) Nothing in this section shall be construed to  
8 apply to treaties, conventions, protocols, and other inter-  
9 national agreements, or proclamations thereof by the Presi-  
10 dent.

11 “(l) When used in this section, unless the context  
12 otherwise requires—

13 “(1) the term ‘document’ means any Presidential  
14 proclamation or Executive order and any order, regu-  
15 lation, rule, certificate, code of fair competition, license,  
16 notice, or similar instrument issued, prescribed, or pro-  
17 mulgated by an agency;

18 “(2) the term ‘agency’ means the President of the  
19 United States, or any executive department, independent  
20 board, establishment, bureau, institution, commission,  
21 or separate office of the executive branch of the Govern-  
22 ment of the United States but not the legislative or ju-  
23 dicial branches of the Government;

24 “(3) the term ‘person’ means any individual, part-  
25 nership, association, or corporation; and



1           “(4) the term ‘duplicate original’ means a signed  
2       identical copy of the original.

3                       “FRANKLIN D. ROOSEVELT LIBRARY

4       “SEC. 506. (a) The Administrator is authorized to  
5       accept for the Franklin D. Roosevelt Library from the  
6       estate of the donor or his heirs such collections of historical  
7       material related to the material heretofore donated by  
8       Franklin D. Roosevelt as shall be donated by the estate of  
9       the donor or his heirs. The Administrator may also acquire  
10      for the said Library from other sources, by gift, purchase,  
11      or loan, historical books related to and other historical ma-  
12      terial contemporary with and related to the historical ma-  
13      terial heretofore acquired from the donor or heretofore or  
14      hereafter acquired from the estate of the donor or his heirs.  
15      The historical material acquired under this section shall be  
16      permanently housed in the Franklin D. Roosevelt Library:  
17      *Provided*, That the Administrator may temporarily remove  
18      any of such material from the said Library when he deems  
19      it to be necessary: *And provided further*, That the Admin-  
20      istrator may dispose of any duplicate printed material or  
21      any other material in the said Library which appears to  
22      have no permanent value or historical interest by sale,  
23      exchange, or otherwise. The proceeds of any sale made  
24      under this subsection shall be paid into the special account

1 provided for in subsection (c) (4) of this section to be held,  
2 administered, and expended in accordance with the provi-  
3 sions of that subsection.

4 “(b) The faith of the United States is pledged that  
5 the United States will provide such funds as may be neces-  
6 sary for the upkeep of the said Library and the administra-  
7 tive expenses and cost thereof, including the preservation  
8 and care of historical material acquired under this section,  
9 so that the said Library shall be at all times properly  
10 maintained.

11 “(c) (1) A board to be known as the Trustees of  
12 the Franklin D. Roosevelt Library (hereinafter referred to  
13 as the ‘Board’) is hereby established. The Archivist, who  
14 shall be Chairman of the Board, and the Secretary of the  
15 Treasury shall be ex officio members of the Board. There  
16 shall also be five members of the Board appointed by the  
17 President for life, but the President may remove any such  
18 member for cause. Vacancies on the Board shall be filled  
19 by the President. Membership on this Board shall not be  
20 deemed to be an office within the meaning of the Constitu-  
21 tion and statutes of the United States.

22 “(2) No compensation shall be paid to the members of  
23 the Board for their services as such members, but they shall  
24 be allowed their necessary expenses incurred in the discharge



1 of their duties under this section. The certificate of the  
2 Chairman of the Board shall be sufficient evidence that the  
3 expenses are properly allowable.

4 “(3) The Board is hereby authorized to accept and  
5 receive gifts and bequests of personal property and to hold  
6 and administer the same as trust funds for the benefit of the  
7 Franklin D. Roosevelt Library. The moneys or securities  
8 composing trust funds given or bequeathed to the Board  
9 shall be receipted for by the Secretary of the Treasury who  
10 shall invest, reinvest, and retain investments as the Board  
11 may from time to time determine: *Provided, however,* That  
12 the Board is not authorized to engage in any business nor  
13 to exercise any voting privilege which may be incidental  
14 to securities in such trust funds, nor shall the Secretary of  
15 the Treasury make any investments for the account of the  
16 Board which could not lawfully be made by a trust company  
17 in the District of Columbia, except that he may make any  
18 investment directly authorized by the instrument of gift  
19 under which the funds to be invested are derived, and may  
20 retain any investments accepted by the Board.

21 “(4) The income from any trust funds held by the  
22 Board, as and when collected, shall be deposited with the  
23 Treasurer of the United States, who shall enter it in a  
24 special account to the credit of the Franklin D. Roosevelt  
25 Library and subject to disbursement by the Archivist except

1 where otherwise restricted by the instrument of gift, for and  
2 in the interest of the Franklin D. Roosevelt Library, its  
3 collections, or its services, including but not restricted to the  
4 purchase of equipment; the preparation and publication of  
5 guides, inventories, calendars, and textual reproduction, and  
6 the preparation of duplicates and reproductions, of material  
7 in the said Library; and the purchase, under subsection (a)  
8 of this section, of historical material for the said Library.  
9 The Administrator or the Public Printer may make sales  
10 of any publications or duplicates and reproductions author-  
11 ized by this subsection at a price which will cover their cost  
12 and 10 per centum added, and all moneys received from  
13 such sales shall be paid into, administered, and expended  
14 as a part of the special account herein provided for.

15 “(5) Unless otherwise restricted by the instrument of  
16 gift, the Board, by resolution duly adopted, may authorize  
17 the Archivist to use the principal of any gift or bequest  
18 made to it for any of the purposes mentioned in subsection  
19 (c) (4) hereof.

20 “(6) The Board shall have all the usual powers of a  
21 trustee in respect to all funds administered by it, but the  
22 members of the Board shall not be personally liable, except  
23 for misfeasance. In the administration of such trust funds  
24 the actions of the Board, including any payments made or  
25 authorized to be made by it from such funds, shall not be

1 subject to review or attack except in an action brought in  
2 the United States District Court for the District of Columbia,  
3 which is hereby given jurisdiction of such suits, for the  
4 purpose of enforcing the provisions of any trust accepted  
5 by the Board.

6 “(d) The Secretary of the Interior shall be responsible  
7 for the care, maintenance, and protection of the buildings  
8 and grounds of the Franklin D. Roosevelt Library in the  
9 same manner and to the same extent as the Administrator  
10 is responsible for the Department of Justice building and  
11 certain other public buildings in the District of Columbia  
12 not occupied by the General Services Administration. Ex-  
13 cept as provided in the preceding sentence, the immediate  
14 custody and control of the Franklin D. Roosevelt Library,  
15 and such other buildings, grounds, and equipment as are or  
16 may from time to time become a part thereof shall be vested  
17 in the Administrator, and he is authorized to appoint and  
18 prescribe the duties of such officers and employees, including  
19 clerical assistance for the Board, as may be necessary for  
20 the execution of the functions vested in him by this section.

21 “(e) The Administrator shall prescribe regulations  
22 governing the arrangement, custody, protection, and use of  
23 the historical material deposited in the said Library; and,  
24 subject to such regulations, such material shall be available

1 to the public free of charge: *Provided*, That the Adminis-  
2 trator is authorized to charge, under regulations prescribed  
3 by him, a fee for the privilege of visiting and viewing the  
4 exhibit rooms or museum portion of the said Library; and  
5 any funds so derived shall be paid by the Administrator into  
6 the special account provided for in subsection (c) (4) of  
7 this section, to be held, administered, and expended under  
8 the provisions of that subsection.

9 “(f) The Administrator, in his annual report to the  
10 Congress, shall submit information with respect to all activi-  
11 ties of the National Archives and Records Service during  
12 the preceding calendar year and such information and data  
13 as may be considered of value in the determination of ques-  
14 tions connected with the management of Government records,  
15 together with such recommendations as to additional legisla-  
16 tion relating thereto as the Administrator may deem  
17 necessary.

18 “(g) That when used in this section—

19 “(1) the term ‘donor’ means Franklin D. Roose-  
20 velt; and

21 “(2) the term ‘historical material’ includes books,  
22 correspondence, papers, pamphlets, works of art, models,  
23 pictures, photographs, plats, maps, and other similar  
24 material.



## 1           “NATIONAL ARCHIVES TRUST FUND BOARD

2           “SEC. 507. (a) There is hereby established the National  
3 Archives Trust Fund Board (hereinafter referred to as the  
4 ‘Board’), which shall consist of the Archivist as Chairman,  
5 and the chairman of the House Post Office and Civil Service  
6 Committee and the chairman of the Senate Post Office and  
7 Civil Service Committee. Membership on the Board shall  
8 not be deemed to be an office within the meaning of the  
9 statutes of the United States.

10          “(b) The Board is hereby authorized to accept, receive,  
11 hold, and administer such gifts or bequests of money, securi-  
12 ties, or other personal property, for the benefit of or in con-  
13 nection with the National Archives and Records Service, its  
14 collections, or its services, as may be approved by the Board.

15          “(c) Any moneys or securities composing trust funds  
16 given or bequeathed to the Board shall be receipted by the  
17 Secretary of the Treasury, who shall invest, reinvest, and  
18 retain such moneys or securities as the Board may from time  
19 to time determine. The Board shall not engage in any busi-  
20 ness or exercise any voting privilege which may be incidental  
21 to securities in such trust funds, nor shall the Secretary of the  
22 Treasury make any investments for the account of the Board  
23 which could not lawfully be made by a trust company in the  
24 District of Columbia, except that he may make any invest-  
25 ment directly authorized by the instrument of gift or bequest

1 under which the funds to be invested are derived, and may  
2 retain any investments accepted by the Board.

3 “(d) The income from any trust funds held by the  
4 Board, and the money received and proceeds from the sale  
5 of securities and other personal property, as and when col-  
6 lected, shall be covered into the Treasury of the United  
7 States in a trust fund account to be known as the National  
8 Archives Trust Fund, subject to disbursement by the Divi-  
9 sion of Disbursement, Treasury Department, on the basis  
10 of certified vouchers of the Archivist or his duly authorized  
11 agent, except where otherwise restricted by the instrument  
12 of gift or bequest, for and in the interest of the National  
13 Archives and Records Service, its collections, or its services,  
14 including, but not restricted to, the preparation and publica-  
15 tion of special works and collections of sources and the  
16 preparation, duplication, editing, and release of historical  
17 photographic materials and sound recordings. The Archi-  
18 vist may make sales of any such publications and releases  
19 authorized by this subsection and paid for out of the income  
20 derived from trust funds at a price which will cover their  
21 cost and 10 per centum added, and all moneys received  
22 from such sales shall be paid into, administered, and ex-  
23 pended as a part of the trust fund account herein provided  
24 for.

25 “(e) The Board shall have all the usual powers and

1 obligations of a trustee with respect to all property and  
2 funds administered by it, but the members of the Board shall  
3 not be personally liable, except for malfeasance.

4 “(f) Gifts and bequests received by the Board under  
5 the provisions of this section, and the income therefrom, shall  
6 be exempt from all taxes.

7 “(g) In carrying out the purposes of this section, the  
8 Board shall have authority—

9 “(1) to adopt an official seal, which shall be judi-  
10 cially noticed;

11 “(2) to appoint, or authorize the Archivist to  
12 appoint, without regard to civil-service and classifica-  
13 tion laws, all necessary employees, to fix their duties;  
14 and under the provisions of the Classification Act of  
15 1949, their salaries; and

16 “(3) to adopt bylaws, rules, and regulations neces-  
17 sary for the administration of its functions under this  
18 section.

19 “(h) No compensation shall be paid to members of the  
20 Board for their services as members. All costs incurred by  
21 the Board in carrying out its duties under this section, in-  
22 cluding the expenses of members in attending meetings and  
23 the expenditures necessarily made by its members in the per-  
24 formance of their duties and the compensation of persons  
25 employed by it, shall be paid out of income from trust funds

1 available to the Board for the purpose. Unless otherwise  
2 restricted by the instrument of gift or bequest, the Board,  
3 by resolution duly adopted, may authorize the Archivist to  
4 use for such purposes, or for any other purpose or purposes  
5 for which funds may be expended under this section, the  
6 principal of any gift or bequest accepted under this section.

7 “(i) The Board shall submit to Congress an annual  
8 report of the moneys, securities, and other personal property  
9 received and held by it, and of its operations.

10 “GENERAL PROVISIONS

11 “SEC. 508. (a) The Administrator is hereby author-  
12 ized to require agencies to report on their activities under the  
13 provisions of sections 502, 503, and 504 of this title, and,  
14 whenever he deems it necessary, to issue directions and regu-  
15 lations to carry out the provisions of those sections.

16 “(b) The Administrator shall, whenever he finds that  
17 any provisions of this title have been or are being violated,  
18 inform in writing the head of the agency concerned of such  
19 violations and make recommendations regarding means of  
20 correcting them. Unless corrective measures satisfactory to  
21 the Administrator are inaugurated within a reasonable time,  
22 the Administrator shall submit a written report thereon to the  
23 President and the Congress.

24 “(c) Photographs, microphotographs, and other forms  
25 of reproductions of any records made in compliance with



1 regulations promulgated as provided in section 501 (c) (5)  
2 of this title shall have the same force and effect as the  
3 originals thereof would have and shall be treated as originals  
4 for the purpose of their admissibility in evidence.

5 “(d) Whenever any records that are required by statute  
6 to be retained permanently have been reproduced by photo-  
7 graphic, microphotographic, or other processes, in accord-  
8 ance with standards established by the National Archives  
9 Council, the permanent retention of such photographic,  
10 microphotographic, or other negatives will be deemed to  
11 constitute compliance with the statutory requirement for the  
12 permanent retention of such original records.

13 “DEFINITIONS

14 “(d) That when used in this title—

15 “(1) the term ‘records’ means books, papers, maps,  
16 sound recordings, photographs, films, including micro-  
17 photographs, still films and motion-picture films, or other  
18 documentary materials of any physical form or character  
19 whatever that have been made or received by an agency  
20 in connection with its official transactions, and that have  
21 been preserved by an agency or are appropriate for  
22 preservation by the United States Government as evi-  
23 dence of the organization, functions, policies, decisions,

1 procedures, and transactions of an agency or because of  
2 the informational value of the data contained therein.  
3 Excluded from this definition are materials acquired by  
4 libraries or museums solely for purposes of reference or  
5 exhibition, and stocks of publications or processed docu-  
6 ments preserved solely for purposes of public distribu-  
7 tion or official supply;

8 “(2) the term ‘agency’, except as used and de-  
9 fined in section 505 of this title, means, in addition to  
10 each instrumentality and each group of instrumentali-  
11 ties of the United States Government and of its Terri-  
12 tories (legislative, executive, judicial, and other) in the  
13 principal name of which appropriation estimates and  
14 statements of cash receipts and expenditures are in-  
15 cluded in the annual budget message of the President  
16 to Congress (except the District of Columbia), each  
17 constituent unit of the Office of Emergency Manage-  
18 ment, the Board of Governors of the Federal Reserve  
19 System, the Panama Canal, each Federal court, each  
20 board, commission, committee, and council not so in-  
21 cluded in such annual budget message and that do not  
22 constitute a part of such a group of instrumentalities,  
23 and all instrumentalities and groups of instrumentalities

1 created by statute or by Executive order or other Presi-  
2 dential authority subsequent to the transmittal of the  
3 annual budget message of the President to Congress;

4 “(3) the term ‘value’ means administrative, legal,  
5 research, or other value;

6 “(4) the term ‘list’ means an itemized description  
7 of records or classes of records in the custody of an  
8 agency that are proposed for disposal on the ground  
9 that (a) they are not needed by it in the transaction  
10 of its current business and that do not appear to have  
11 sufficient value to warrant their further preservation by  
12 the Government, or (b) they do not have sufficient  
13 value to warrant retention in their original form by  
14 virtue of the fact that microphotographic or other copies,  
15 made in accordance with the standards established in  
16 regulations promulgated by the Federal Records Coun-  
17 cil are adequate for the original records;

18 “(5) the term ‘schedule’ means an itemized descrip-  
19 tion of records or classes of records of a specified form or  
20 character that either have accumulated in the custody  
21 of an agency or that may accumulate at any time after  
22 the submission of such a schedule (a) that are proposed  
23 for disposal after the lapse of specified periods of time  
24 or on the occurrence of specified events and that ap-  
25 parently will not, after the lapse of the periods or the

1 occurrence of the events specified, have sufficient value  
2 to warrant their further preservation by the Govern-  
3 ment; or (b) that will not have sufficient value to war-  
4 rant retention in their original form by virtue of the  
5 fact that microphotographic or other copies, made in  
6 accordance with the standards established in regula-  
7 tions promulgated by the Federal Records Council, will  
8 be adequate substitutes for the original records;

9 “(6) the term ‘general schedule’ means a schedule  
10 of records or classes of records that are common to sev-  
11 eral or all agencies;

12 “(7) the term ‘records center’ means an establish-  
13 ment maintained by the Administrator or by an agency  
14 primarily for the storage, processing, and servicing of  
15 records pending their deposit with the national archives  
16 in the Bureau of Federal Records or their disposition  
17 in any other manner authorized by law;

18 “(8) the term ‘current records’ means records that  
19 are required for use in the current operation and admin-  
20 istration of the agency having custody of them; and  
21 records not so required, regardless of the frequency of  
22 their use for other purposes by such agency, other  
23 agencies, or the public, are excluded from this definition;

24 “(9) the term ‘servicing’ means making informa-  
25 tion in records and other materials deposited with the



1 National Archives and Records Service available for  
2 use—

3 “(a) by furnishing such records or other mate-  
4 rials, or information from such records or other  
5 materials, or copies or reproductions thereof to  
6 agencies of the Government for official use and  
7 to the public; and

8 “(b) by making and furnishing authenticated  
9 or unauthenticated copies or reproductions of such  
10 records and other materials;

11 “(10) the term ‘unauthenticated copies’ means  
12 exact copies or reproductions of records or other ma-  
13 terials that are not certified as such under seal and  
14 that need not be legally accepted as evidence;

15 “(11) the term ‘selective retention’ means the  
16 keeping of records by acts of selecting or choosing (by  
17 review and otherwise) those that have permanent or  
18 continuing value;

19 “(12) the term ‘Administrator’ means the Admin-  
20 istrator of the General Services Administration.”



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## A BILL

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To amend the Federal Property and Administrative Services Act of 1949, approved June 30, 1949.

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By Mr. BOLING

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MARCH 3, 1950

Referred to the Committee on Expenditures in the  
Executive Departments







81ST CONGRESS  
2D SESSION

# H. R. 8416

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## IN THE HOUSE OF REPRESENTATIVES

MAY 8, 1950

Mr. BOLLING introduced the following bill; which was referred to the Committee on Expenditures in the Executive Departments

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## A BILL

To amend Public Law 152, Eighty-first Congress, approved June 30, 1949.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That Public Law 152, Eighty-first Congress, approved  
4       June 30, 1949, be, and the same is hereby, amended by—  
5       (1) Redesignating section 210, title II, as section 211,  
6       and inserting one new section designated as section 210.

7       “OPERATION OF BUILDINGS AND RELATED ACTIVITIES

8       “SEC. 210. The Administrator, in carrying out his re-  
9       sponsibility for maintenance, operation, and protection of  
10      federally owned or leased buildings, property, and grounds  
11      in and outside the District of Columbia, including the con-

1 struction, repair, preservation, and equipment thereof, is  
2 hereby authorized—

3 “(a) to purchase, repair, and clean uniforms for  
4 employees who are required by law or regulation to  
5 wear uniform clothing;

6 “(b) to furnish arms and ammunition for the pro-  
7 tection force;

8 “(c) to pay rental, both in and outside the District  
9 of Columbia, and to restore such property at the expira-  
10 tion of the lease term or to make monetary adjustments  
11 in lieu thereof;

12 “(d) to move Federal agencies in connection with  
13 the assignment, allocation, transfer, and survey of build-  
14 ing space and pay the expenses thereof;

15 “(e) to pay ground rent for Federal buildings  
16 where necessary and to pay such sums in advance if  
17 required;

18 “(f) to furnish, equip, and demolish buildings;

19 “(g) to pay per diem personnel employed in con-  
20 nection with the functions of operation, maintenance,  
21 and protection of property at rates approved by the  
22 Administrator or his designee not exceeding current rates  
23 for similar services in places where such services are  
24 employed;

25 “(h) to pay rental, and make repairs, alterations,

1 and improvements without reference to section 322 of  
2 the Act of June 30, 1932, as amended, under the terms  
3 of any lease entered into by, or transferred to, the Gen-  
4 eral Services Administration for the housing of Federal  
5 agencies specifically exempted from the requirements of  
6 the said section and to continue the payment of such  
7 rentals until the expiration of said leases;

8 “(i) to credit to the appropriation of General Serv-  
9 ices Administration reimbursements for cost of main-  
10 tenance, upkeep, and repair included as part of the  
11 rentals received from Government corporations, pursuant  
12 to section 306 of the Government Corporations Appro-  
13 priation Act of 1948;

14 “(j) to require Government corporations and Fed-  
15 eral agencies operating under a trust fund or other  
16 similar arrangements to pay rent for occupancy of Gov-  
17 ernment buildings outside the District of Columbia, in-  
18 cluding the cost of maintenance, upkeep, and repair and  
19 to credit such funds to the appropriations of the General  
20 Services Administration;

21 “(k) to operate, maintain, and protect the District  
22 Court Building in the District of Columbia;

23 “(l) to make changes in, maintain, and repair the  
24 pneumatic-tube system in New York City installed under  
25 franchise of the city of New York, approved June 29,



1        1909, and June 11, 1928, and to make payments of  
2        any obligations arising thereunder in accordance with the  
3        provisions of the Acts approved August 5, 1909 (36  
4        Stat. 120), and may 15, 1928 (45 Stat. 533) ;

5            “(m) to repair, alter, and improve rented premises  
6        without reference to the 25 per centum limitation of sec-  
7        tion 322 of the Act of June 30, 1932, as amended, upon  
8        certification of the Administrator that the execution of  
9        the work, without reference to this limitation, would in  
10       the specific case be in the best interest of the United  
11       States;

12           “(n) to credit to appropriations advances or re-  
13       imbursements for services, quarters, maintenance, or  
14       other facilities furnished other agencies on a reimbursable  
15       basis;

16           “(o) to service and repair motor vehicles of other  
17       Government agencies, which agencies shall make pay-  
18       ment therefor by check, either in advance or after service  
19       has been furnished, for deposit to the credit of appro-  
20       priations of General Services Administration;

21           “(p) to pay sums in lieu of taxes accruing against  
22       real property declared surplus by Government corpora-  
23       tions, pursuant to the Surplus Property Act of 1944,  
24       where legal title to such property remains in the Gov-  
25       ernment corporation;

1       “(q) to furnish utilities and other services to per-  
2       sons, firms, or corporations in connection with the occu-  
3       pancy of plants of the National Industrial Reserve and  
4       other Government-owned or leased properties and to  
5       credit the amounts received therefrom to the appropri-  
6       ation of the General Services Administration;

7       “(r) to use proceeds received from insurance  
8       against damage to properties of the National Industrial  
9       Reserve, at the direction of the Secretary of Defense,  
10      for repair or restoration of the damaged properties;

11      “(s) to assign and reassign space in Government-  
12      owned and leased buildings in and outside the District  
13      of Columbia;

14      “(t) to acquire, upon request, for Federal agencies  
15      and others land for buildings and projects authorized by  
16      the Congress; to make surveys and test borings and  
17      prepare plans and specifications for such projects, by  
18      contract or otherwise, prior to the approval by the  
19      Attorney General of the title to the sites thereof; to con-  
20      tract for, and supervise the construction and development  
21      of, and equip such buildings or projects; and sums ap-  
22      propriated for such buildings and projects may be trans-  
23      ferred to the General Services Administration in advance,  
24      if deemed necessary by the Administrator, including any  
25      amounts determined by him to be necessary for the

1        payment of salaries and expenses of personnel engaged  
2        in the preparation of plans and specifications, field super-  
3        vision, and general office expenses;

4        “(u) to acquire, by purchase, condemnation, or  
5        otherwise, and to dispose of, by sale or otherwise, real  
6        estate and interests therein.”

7        (2) Amend section 109 as follows:

8        “SEC. 109. (a) There is hereby authorized to be set  
9        aside in the Treasury a special fund which shall be known as  
10       the general supply fund (including any surplus therein)  
11       created by section 3 of the Act of February 27, 1929 (45  
12       Stat. 1342; 41 U. S. C. 7c), and transferred to the Admin-  
13       istrator by section 102 of this Act, and such sums as may be  
14       appropriated thereto, and the fund shall assume all of the  
15       liabilities, obligations, and commitments of the general sup-  
16       ply fund created by such Act of February 27, 1929. The  
17       capital of the general supply fund shall be in an amount not  
18       greater than \$75,000,000.

19       “In advance of each fiscal year the Administrator of  
20       General Services shall file with the Secretary of the Treasury  
21       an estimate, approved by the Bureau of the Budget, showing  
22       the cost of sales to be made through the general supply fund  
23       during the approaching fiscal year. Thereafter, on request  
24       of the Administrator, the Secretary of the Treasury is  
25       authorized and directed to credit the said fund with such

1 moneys, not otherwise appropriated, as will increase the  
2 fund to a sum not in excess of 25 per centum of said estimate.  
3 Upon the filing of any annual estimate, if the capital account  
4 of the general supply fund shall exceed 25 per centum of  
5 said estimate, the excess, to the extent consistent with  
6 required liquidity, as determined by the Administrator, shall  
7 be covered into the Treasury as miscellaneous receipts.

8 "Once during any fiscal quarter year, the Administrator  
9 may revise said estimate with the approval of the Director of  
10 the Bureau of the Budget, and the general supply fund shall  
11 be accordingly increased or diminished at the request of the  
12 Administrator.

13 "The general supply fund shall be available for use by  
14 or under the direction and control of the Administrator (1)  
15 for procuring personal property (including the purchase  
16 from or through the Public Printer of standard forms and  
17 blankbook work for field warehouse issue) and nonpersonal  
18 services for the use of Federal agencies in the proper dis-  
19 charge of their responsibilities, and (2) for paying all  
20 elements of cost of the procurement, handling, and distribu-  
21 tion thereof, except that on and after July 1, 1950, those  
22 elements of cost which are determined by the Administrator  
23 with the approval of the Director of the Bureau of the  
24 Budget to be indirect or overhead costs shall not be paid  
25 from the fund.



1       “(b) Payment by requisitioning agencies shall be at  
2 prices fixed by the Administrator. Until July 1, 1950, such  
3 prices shall be fixed in accordance with law and regulations  
4 applicable on the date of enactment of this Act to prices  
5 fixed by the Director of the Bureau of Federal Supply. On  
6 and after such date, such prices shall be fixed at levels so  
7 as to recover so far as practicable all costs except those  
8 which are determined by the Administrator with the ap-  
9 proval of the Director of the Bureau of the Budget to be  
10 indirect or overhead costs. Requisitioning agencies shall  
11 pay by advance of funds in all cases where it is determined  
12 by the Administrator that there is insufficient capital other-  
13 wise available in the general supply fund. Advances of  
14 funds also may be made by agreement between the requis-  
15 itioning agencies and the Administrator. Where an advance  
16 of funds is not made, requisitioning agencies shall promptly  
17 reimburse the General Services Administration on vouchers  
18 prepared by the requisitioning agency on the basis of item-  
19 ized invoices submitted by the Administrator and receiving  
20 reports evidencing the delivery to the requisitioning agency  
21 of such supplies or services: *Provided*, That in any case  
22 where payment shall not have been made by the requisition-  
23 ing agency within forty-five days after the date of billing  
24 by the Administrator, reimbursement may be obtained by

1 the Administrator by the issuance of transfer and counter-  
2 warrants supported by itemized invoices.

3 “That effective July 1, 1950, provided appropriations  
4 have been made available for the operation of the general  
5 supply fund as hereinafter provided, or if such funds are  
6 not available, then effective on such date as the Director of  
7 the Bureau of the Budget may approve after such appro-  
8 priations become available, section 109 is hereby amended  
9 as follows:

10 “(1) The final sentence of paragraph (a) is revised  
11 to read: ‘The general supply fund shall be available for use  
12 by and under the direction of the Administrator (1) for  
13 procuring personal property (including the purchase from or  
14 through the Public Printer of printed material for warehouse  
15 issue) and nonpersonal services for the use of Federal  
16 agencies in the proper discharge of their responsibilities, and  
17 (2) for paying the purchase price, transportation to first  
18 storage point of supplies and services, and the cost of personal  
19 services employed directly in the repair, rehabilitation, and  
20 conversion of personal property.’

21 “(2) The third sentence of paragraph (b) is revised  
22 to read: ‘Such prices shall be fixed at levels so as to recover  
23 so far as practicable the applicable purchase price, the trans-

1 portation cost to first storage point, inventory losses, the  
2 cost of personal services employed directly in the repair,  
3 rehabilitation, and conversion of personal property, and the  
4 cost of amortization and repair of equipment utilized for  
5 lease or rent to executive agencies.’

6 “(3) Paragraph (f) is revised to read:

7 ““(f) Subject to the requirements of subsections (a) to  
8 (e), inclusive, of this section, the general supply fund also  
9 may be used for the procurement of supplies and nonpersonal  
10 services authorized to be acquired by mixed-ownership  
11 Government corporations, or by the municipal government  
12 of the District of Columbia, or by a requisitioning non-  
13 Federal agency when the function of a Federal agency  
14 authorized to procure for it is transferred to the General  
15 Services Administration.’

16 (c) The following paragraph (g) is hereby added to  
17 said section 109:

18 “(g) The Administrator of General Services is author-  
19 ized in his discretion to charge vendors and producers of  
20 commodities considered for purchase reasonable fees for test-  
21 ing such commodities for conformance to specifications and  
22 standards, and such fees may be deposited in the general  
23 supply fund and used to defray the expenses of said tests.”

24 (3) Redesignating “title V” of such Act as “title VI”

1 thereof, and changing "title V," wherever it appears therein,  
2 to "title VI";

3 (4) Redesignating sections 501-505, inclusive, of such  
4 Act, respectively, as sections 601-605, inclusive, thereof,  
5 and changing any such section number wherever it appears  
6 therein to conform in numbering to the redesignation pre-  
7 scribed by this subsection;

8 (5) Inserting at the proper place in the table of  
9 contents the following:

"TITLE V—FEDERAL RECORDS

"Sec. 501. Custody and control of property.

"Sec. 502. National Historical Publications Commission.

"Sec. 503. Current records management; the Administrator.

"Sec. 504. Current records management; agency heads.

"Sec. 505. Archival administration.

"Sec. 506. Reports.

"Sec. 507. Legal status of reproductions.

"Sec. 508. Limitation on liability.

"Sec. 509. Definitions.

"Sec. 510. Short title."

10 (6) Eliminating the word "and" preceding "(2)" in  
11 subsection (d) of section 3, substituting a semicolon for the  
12 period at the end of said subsection, and adding the follow-  
13 ing language: "and (3) records of the Federal Govern-  
14 ment";

15 (7) Striking out all the language following the comma  
16 after the roman numeral "III" in the last line of section  
17 208 (a) and inserting in lieu thereof the following: "V,  
18 and VI of this Act,";

19 (8) Striking out the language following the comma



1 after the roman numeral "III" through the word "Act"  
2 in the second line of section 208 (b) and inserting in lieu  
3 thereof the following: "V, and VI of this Act";

4 (9) Striking out the word "and" at the end of section  
5 602 (a) (30), changing the period at the end of section  
6 602 (a) (31) to a colon, and adding the following sub-  
7 sections:

8 "(32) the Act entitled 'An Act to establish a  
9 National Archives of the United States Government, and  
10 for other purposes', approved June 19, 1934 (48 Stat.  
11 1122-1124; 44 U. S. C. 300f, 300g, 300h, 300i, 300k) ;

12 "(33) the Act entitled 'An Act to amend section  
13 8 of the Act entitled An Act to establish a National  
14 Archives of the United States Government, and for other  
15 purposes', approved June 22, 1936 (49 Stat. 1821-  
16 1822, 44 U. S. C. 300h) ;

17 "(34) the Act entitled 'An Act to amend the Act  
18 entitled an Act to establish a National Archives of the  
19 United States Government, and for other purposes',  
20 approved March 3, 1948 (62 Stat. 58; 44 U. S. C.  
21 300c, 300f-1, 300h-1) ;

22 "(35) the Act entitled 'An Act to amend section  
23 10 of the Act entitled an Act to establish a National  
24 Archives of the United States Government, and for

1 other purposes', approved June 8, 1948 (62 Stat. 344;  
2 44 U. S. C. 300j) ;

3 “(36) the Act entitled ‘An Act to amend the Act  
4 of June 19, 1934, providing for the establishment of the  
5 National Archives, so as to provide that certain fees  
6 collected by the Archivist shall be available for dis-  
7 bursement in the interest of the National Archives’, ap-  
8 proved June 25, 1948 (62 Stat. 1026; 44 U. S. C.  
9 300h) ; and

10 “(37) sections 2 and 4 of the Act entitled ‘An Act  
11 to provide for the disposal of certain records of the  
12 United States Government’, approved July 7, 1943, as  
13 amended July 6, 1945 (57 Stat. 380-383; 59 Stat.  
14 434; 44 U. S. C. 366-380), to the extent that the  
15 provisions thereof are inconsistent with the provisions  
16 of title V of this Act.”

17 (10) Changing the period at the end of section 603 (a)  
18 to a comma and adding the following: “including—

19 “(1) such sums as may be necessary to enable the  
20 head of each Federal agency to appoint staff assistants  
21 for records matters in order to enable him to discharge  
22 efficiently the responsibilities imposed upon him by the  
23 provisions of title V of this Act;

24 “(2) such sums as may be necessary for purchase

1 and exchange of books and maps; and payment in ad-  
2 vance when authorized by the Administrator for library  
3 memberships in societies whose publications are available  
4 to members only or to members at a price lower than  
5 to the general public;”.

6 (11) inserting a new title following section 404 to  
7 provide for the creation, preservation, management, and  
8 disposal of records of the United States Government, and  
9 for other purposes, to read as follows:

10 “TITLE V—FEDERAL RECORDS

11 “CUSTODY AND CONTROL OF PROPERTY

12 “SEC. 501. The Administrator shall have immediate  
13 custody and control (except as otherwise provided by law),  
14 of the National Archives Building and the Franklin D.  
15 Roosevelt Library Building, and shall have authority to  
16 design, construct, purchase, lease, maintain, operate, pro-  
17 tect, and improve buildings used by him for the storage  
18 of records in the District of Columbia and elsewhere.

19 “NATIONAL HISTORICAL PUBLICATIONS COMMISSION

20 “SEC. 502. (a) There is hereby created a National  
21 Historical Publications Commission consisting of the Ar-  
22 chivist (or an alternate designated by him), who shall be  
23 Chairman, the Librarian of Congress (or an alternate desig-  
24 nated by him), one Member of the United States Senate

1 to be appointed by the President of the Senate, one Member  
2 of the House of Representatives, to be appointed by the  
3 Speaker of the House, one representative of the judicial  
4 branch of the Government to be appointed by the Chief  
5 Justice of the United States, two members of the Ameri-  
6 can Historical Association to be appointed by the president  
7 thereof from those persons who are or have been members  
8 of the executive council of the said association, and two  
9 other members outstanding in the fields of the social or  
10 physical sciences to be appointed by the President of the  
11 United States. The Commission shall meet annually and on  
12 call of the Chairman.

13 “(b) Members, other than the Archivist and the  
14 Librarian of Congress, shall be appointed for terms ending  
15 January 1, 1954, and for four-year terms thereafter. Any  
16 vacancy in the membership of the Commission shall be filled  
17 in the same manner in which the original appointment was  
18 made.

19 “(c) The expenses of the Commission are hereby au-  
20 thorized to be paid by the Administrator: *Provided*, That  
21 members employed by and representing the Government  
22 shall serve without additional compensation as members of  
23 the Commission, that members representing the public shall  
24 be paid in accordance with the provisions of section 208



1 (b) of title II of this Act, and that all members shall be  
2 reimbursed for expenses actually incurred in attending meet-  
3 ings of the Commission.

4 “(d) The Commission shall make plans, estimates, and  
5 recommendations for such historical works and collections of  
6 sources as seem appropriate for printing or otherwise record-  
7 ing at the public expense. The Chairman of the Commis-  
8 sion shall transmit to the Administrator, from time to time,  
9 such plans, estimates, and recommendations as have been  
10 approved by the Commission.

11 “(e) The Administrator shall transmit to Congress at  
12 the beginning of each regular session a report of the Com-  
13 mission for the preceding fiscal year.

14 “CURRENT RECORDS MANAGEMENT; THE ADMINISTRATOR

15 “SEC. 503. (a) The Administrator shall make pro-  
16 visions for the economical and efficient management of rec-  
17 ords of Federal agencies (1) by analyzing, developing, pro-  
18 moting, and coordinating standards, procedures, and tech-  
19 niques designed to improve the management of current rec-  
20 ords, to insure the maintenance and security of records  
21 deemed appropriate for preservation, and to facilitate the  
22 segregation and disposal of records of temporary value, and  
23 (2) by promoting the efficient and economical utilization  
24 of space, equipment, and supplies needed for the purpose of  
25 creating, maintaining, storing, and servicing records.

1       “(b) The Administrator shall establish standards for  
2 the selective retention of records of continuing value, and  
3 assist Federal agencies in applying such standards to rec-  
4 ords in their custody; and he shall notify the head of any  
5 Federal agency of any actual, impending, or threatened un-  
6 lawful removal, defacing, alteration, or destruction of rec-  
7 ords in the custody of such agency that shall come to his  
8 attention, and assist the head of such agency in initiating  
9 action through the Attorney General for the recovery of such  
10 records as shall have been unlawfully removed and for such  
11 other redress as may be provided by law.

12       “(c) The Administrator shall have full power to in-  
13 spect or survey personally or by deputy the records of any  
14 Federal agency, as well as to make or coordinate surveys of  
15 records management and records disposal practices in such  
16 agencies, and shall be given the full cooperation of officials  
17 and employees of agencies in such inspections and surveys:  
18 *Provided*, That records, the use of which is restricted for  
19 reasons of national security, shall be inspected or surveyed  
20 in accordance with regulations promulgated by the Admin-  
21 istrator, subject to the approval of the head of the custodial  
22 agency.

23       “(d) The Administrator is authorized to establish, main-  
24 tain, and operate records centers for the storage, processing,  
25 and servicing of records pending their deposit with the

1 National Archives of the United States or their disposition  
2 in any other manner authorized by law; and to operate  
3 centralized microfilming services for Federal agencies in con-  
4 nection therewith.

5 “(e) The Administrator shall promulgate regulations  
6 governing the transfer of records from the custody of one  
7 executive agency to that of another.

8 “(f) The Administrator may empower any Federal  
9 agency, upon the submission of evidence of need therefor,  
10 to retain records for a longer period than that specified in  
11 disposal schedules approved by Congress, and, in accordance  
12 with regulations promulgated by him, may withdraw dis-  
13 posal authorizations covering records listed in disposal  
14 schedules approved by Congress.

15 “CURRENT RECORDS MANAGEMENT; AGENCY HEADS

16 “SEC. 504. (a) The head of each Federal agency shall  
17 cause to be made and preserved records containing adequate  
18 and proper documentation of the organization, functions,  
19 policies, decisions, procedures, and essential transactions of  
20 the agency and designed to furnish the information necessary  
21 to protect the legal and financial rights of the Government  
22 and of persons directly affected by the agency’s activities.

23 “(b) The head of each Federal agency shall establish  
24 and maintain an active, continuing program for the economi-  
25 cal and efficient management of the records of the agency.

1 Such program shall, among other things, provide for (1)  
2 effective controls over the creation, maintenance, and use of  
3 records needed in the conduct of current business; (2) coop-  
4 eration with the Administrator in applying standards, proce-  
5 dures, and techniques designed to improve the management  
6 of current records, promote the maintenance and security of  
7 records deemed appropriate for preservation, and facilitate  
8 the segregation and disposal of records of temporary value;  
9 and (3) compliance with the provisions of this title and the  
10 regulations issued thereunder.

11 “(c) Whenever substantial economies can be effected  
12 thereby, the head of each Federal agency shall provide for  
13 the storage, processing, and servicing of records that are  
14 appropriate therefor in a records center maintained and oper-  
15 ated by the Administrator or, when approved by the Admin-  
16 istrator, in such a center maintained and operated by the  
17 agency of which he is the head.

18 “(d) Any official of the Government who is authorized  
19 to certify to facts on the basis of records in his custody is  
20 hereby authorized to certify to facts on the basis of records  
21 that have been transferred by him or his predecessors to the  
22 Administrator.

23 “(e) The head of each Federal agency shall establish  
24 such safeguards against the removal or loss of records as  
25 he shall determine necessary and as may be required by



1 regulations of the Administrator. Such safeguards shall in-  
2 clude making known to all officials and employees of the  
3 agency (1) that no records in the custody of the agency  
4 are to be alienated or destroyed except in accordance with  
5 the provisions of the Act approved July 7, 1943 (57 Stat.  
6 380-383), as amended July 6, 1945 (59 Stat. 434), and  
7 (2) the penalties provided by law for the unlawful removal  
8 or destruction of records.

9       “(f) The head of each Federal agency shall notify the  
10 Administrator of any actual, impending, or threatened un-  
11 lawful removal, defacing, alteration, or destruction of records  
12 in the custody of the agency of which he is the head that  
13 shall come to his attention, and with the assistance of the  
14 Administrator shall initiate action through the Attorney  
15 General for the recovery of records he knows or has reason  
16 to believe have been unlawfully removed from his agency,  
17 or from any other Federal agency whose records have been  
18 transferred to his legal custody.

19                       “ARCHIVAL ADMINISTRATION

20       “SEC. 505. (a) The Administrator, whenever it appears  
21 to him to be in the public interest, is hereby authorized—

22               “(1) to accept for deposit with the National  
23 Archives of the United States the records of any Federal  
24 agency, and of the Congress of the United States that  
25 are determined by the Archivist to have sufficient

1 historical or other value to warrant their continued  
2 preservation by the United States Government;

3 “(2) to direct and effect the transfer of records  
4 deposited (or approved for deposit) with the National  
5 Archives of the United States to public or educational  
6 institutions or associations: *Provided*, That the title to  
7 such records shall remain vested in the United States  
8 unless otherwise authorized by Congress; and

9 “(3) to direct and effect the transfer of records and  
10 other materials from private sources authorized to be  
11 received by the Administrator by the provisions of  
12 subsection (e) (2) of this section.

13 “(b) The Administrator shall be responsible for the  
14 custody, use, and withdrawal of records transferred to him:

15 *Provided*, That whenever any records the use of which is  
16 subject to statutory limitations and restrictions are so trans-  
17 ferred, permissive and restrictive statutory provisions with  
18 respect to the examination and use of such records applicable  
19 to the head of the agency from which the records were trans-  
20 ferred or to employees of that agency shall thereafter like-  
21 wise be applicable to the Administrator, the Archivist, and to  
22 the employees of the General Services Administration, re-  
23 spectively: *And provided further*, That whenever the head  
24 of any agency shall specify in writing restrictions that appear  
25 to him to be necessary or desirable in the public interest, on

1 the use or examination of records being considered for trans-  
2 fer from his custody to the Administrator, the Administrator  
3 shall impose such restrictions on the records so transferred,  
4 and shall not remove or relax such restrictions without the  
5 concurrence in writing of the head of the agency from which  
6 the material shall have been transferred unless the existence  
7 of that agency shall have been terminated: *Provided how-*  
8 *ever,* That statutory and other restrictions referred to in the  
9 provisos of this subsection shall not remain in force or effect  
10 after the records have been in existence for fifty years unless  
11 the Administrator by order shall determine with respect to  
12 specific bodies of records that such restrictions shall remain  
13 in force and effect for a longer period: *And provided further,*  
14 That restrictions on the use or examination of records de-  
15 posited with the National Archives of the United States  
16 heretofore imposed and now in force and effect under the  
17 terms of section 3 of the National Archives Act, approved  
18 June 19, 1934, shall continue in force and effect regardless  
19 of the expiration of the tenure of office of the official who im-  
20 posed them but may be removed or relaxed by the Adminis-  
21 trator with the concurrence in writing of the head of the  
22 agency from which material has been transferred or by the  
23 Administrator alone if the existence of that agency shall have  
24 been terminated.

25 “(c) The Administrator shall make provisions for the

1 preservation, arrangement, repair and rehabilitation, dupli-  
2 cation and reproduction (including microcopy publications),  
3 description, and exhibition of records transferred to him as  
4 may be needful or appropriate, including the preparation and  
5 publication of inventories, indexes, catalogs, and other find-  
6 ing aids or guides facilitating their use; and, when approved  
7 by the National Historical Publications Commission, he may  
8 also publish such historical works and collections of sources  
9 as seem appropriate for printing or otherwise recording at  
10 the public expense.

11 “(d) The Administrator shall make such provisions and  
12 maintain such facilities as he deems necessary or desirable  
13 for servicing records in his custody that are not exempt from  
14 examination by statutory provisions or other restrictions.

15 “(e) The Administrator may accept for deposit—

16 “(1) the personal papers and other historical docu-  
17 mentary materials of the present President of the United  
18 States, his successors, heads of executive departments,  
19 and such other officials of the Government as the Presi-  
20 dent may designate, offered for deposit under restric-  
21 tions respecting their use specified in writing by the pros-  
22 pective depositors: *Provided*, That restrictions so speci-  
23 fied on such materials, or any portions thereof, accepted  
24 by the Administrator for such deposit shall have force  
25 and effect during the lifetime of the depositor or for a



1 period not to exceed twenty-five years, whichever is  
2 longer, unless sooner terminated in writing by the  
3 depositor or his legal heirs: *And provided further*, That  
4 the Archivist determines that the materials accepted for  
5 such deposit will have continuing historical or other  
6 values;

7 “(2) records, including motion-picture films, still  
8 pictures, sound recordings, and other documentary ma-  
9 terials, from private sources, that are appropriate for  
10 preservation by the Government as evidence of its  
11 organization, functions, policies, decisions, procedures,  
12 and transactions.

13 “(f) The Administrator is hereby authorized to make  
14 and preserve motion-picture films, still pictures, and sound  
15 recordings pertaining to and illustrative of the historical  
16 development of the United States Government and its activi-  
17 ties, and to make provisions for preparing, editing, titling,  
18 scoring, processing, duplicating, reproducing, exhibiting, and  
19 releasing motion-picture films, still pictures, and sound re-  
20 cordings in his custody.

21 “REPORTS

22 “SEC. 506. (a) The Administrator is hereby author-  
23 ized to require Federal agencies to report on their activities  
24 under the provisions of this title and the Act approved  
25 July 7, 1943 (57 Stat. 380-383), as amended July 6,  
26 1945 (59 Stat. 434), and, whenever he deems it necessary,

1 to issue directions and regulations to carry out the provisions  
2 thereof, which shall be binding on all agencies.

3 “(b) The Administrator shall, whenever he finds that  
4 any provisions of this title have been or are being violated,  
5 inform in writing the head of the agency concerned of such  
6 violations and make recommendations regarding means of  
7 correcting them. Unless corrective measures satisfactory to  
8 the Administrator are inaugurated within a reasonable time,  
9 the Administrator shall submit a written report thereon to  
10 the President and the Congress.

11 “LEGAL STATUS OF REPRODUCTIONS

12 “SEC. 507. (a) Whenever any records that are required  
13 by statute to be retained permanently have been reproduced  
14 by photographic, microphotographic, or other processes, in  
15 accordance with standards established by the Administrator,  
16 the permanent retention of such photographic, microphoto-  
17 graphic, or other reproductions will be deemed to constitute  
18 compliance with the statutory requirement for the permanent  
19 retention of such original records. Such reproductions, as  
20 well as reproductions made in compliance with regulations  
21 promulgated to carry out this title, shall have the same  
22 legal status as the originals thereof.

23 “(b) There shall be an official seal for the National  
24 Archives of the United States which shall be judicially  
25 noticed. When any copy or reproduction, furnished under  
26 the terms hereof, is authenticated by such official seal and

1 certified by the Administrator, such copy or reproduction  
2 shall be admitted in evidence equally with the original from  
3 which it was made.

4 “(c) The Administrator may charge a fee not in excess  
5 of 10 per centum above the costs or expenses for making or  
6 authenticating copies or reproductions of materials trans-  
7 ferred to his custody. All such fees shall be paid into, ad-  
8 ministered, and expended as a part of the National Archives  
9 Trust Fund provided for in section 5 of the Act approved  
10 July 9, 1941. There shall be no charge for making or  
11 authenticating copies or reproductions of such materials for  
12 official use by the United States Government: *Provided*, That  
13 reimbursement may be accepted to cover the cost of furnish-  
14 ing such copies or reproductions that could not otherwise be  
15 furnished.

16 “LIMITATION ON LIABILITY

17 “SEC. 508. With respect to letters and other intellectual  
18 productions in the custody or possession of the Administra-  
19 tor, neither the United States nor its agents shall be liable  
20 for any infringement of literary property rights or analogous  
21 rights arising out of use of such materials for display, in-  
22 spection, research, reproduction, or other purposes.

23 “DEFINITIONS

24 “SEC. 509. When used in this title—

25 “(a) The term ‘records center’ means an establishment

1 maintained by the Administrator or by an agency primarily  
2 for the storage, servicing, security, and processing of records  
3 that must be preserved for varying periods of time and need  
4 not be retained in office equipment and space.

5 “(b) The term ‘servicing’ means making available for  
6 use information in records and other materials in the custody  
7 of the Administrator—

8 “(1) by furnishing such records or other materials,  
9 or information from such records or other materials, or  
10 copies or reproductions thereof to agencies of the Govern-  
11 ment for official use and to the public; and

12 “(2) by making and furnishing authenticated or  
13 unauthenticated copies or reproductions of such records  
14 and other materials.

15 “(c) The term ‘Archivist’ means the Archivist of the  
16 United States.

17 “SHORT TITLE

18 “SEC. 510. This title may be cited as the ‘Federal  
19 Records Act of 1950’.”

20 SEC. 2. That all laws or parts of laws conflicting with  
21 the provisions of this Act are to the extent of such conflict  
22 repealed.



81ST CONGRESS  
2D Session

H. R. 8416

## A BILL

To amend Public Law 152, Eighty-first Congress, approved June 30, 1949.

By Mr. Bolling

MAY 8, 1950

Referred to the Committee on Expenditures in the  
Executive Departments





81<sup>ST</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3781

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## IN THE SENATE OF THE UNITED STATES

JUNE 15 (legislative day, JUNE 7), 1950

Mr. McCLELLAN introduced the following bill; which was read twice and referred to the Committee on Expenditures in the Executive Departments

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## A BILL

To amend the Federal Property and Administrative Services Act of 1949, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That subsection (a) of section 109 of the Federal Property  
4       and Administrative Services Act of 1949 (Public Law 152,  
5       Eighty-first Congress) is amended to read as follows:

6       “SEC. 109. (a) There is hereby authorized to be set  
7       aside in the Treasury a special fund which shall be known as  
8       the General Supply Fund. Such fund shall be composed of  
9       the assets of the general supply fund (including any surplus  
10      therein) created by section 3 of the Act of February 27,  
11      1929 (45 Stat. 1342; 41 U. S. C. 7c), and transferred to



1 the Administrator by section 102 of this Act, and such sums  
2 as may be appropriated thereto, and the fund shall assume all  
3 of the liabilities, obligations, and commitments of the general  
4 supply fund created by such Act of February 27, 1929. The  
5 capital of the General Supply Fund shall be in an amount not  
6 greater than \$75,000,000. In advance of each fiscal year  
7 the Administrator of General Services shall file with the  
8 Secretary of the Treasury an estimate, approved by the  
9 Bureau of the Budget, showing the cost of sales to be made  
10 through the General Supply Fund during the approaching  
11 fiscal year. Thereafter, on request of the Administrator,  
12 the Secretary of the Treasury is authorized and directed  
13 to credit the said Fund with such moneys, not otherwise  
14 appropriated, as will increase the Fund to a sum not in  
15 excess of 25 per centum of said estimate. Upon the filing  
16 of any annual estimate, if the capital account of the General  
17 Supply Fund shall exceed 25 per centum of said estimate,  
18 the excess, to the extent consistent with required liquidity,  
19 as determined by the Administrator, shall be covered into  
20 the Treasury as miscellaneous receipts. Once during any  
21 fiscal quarter year, the Administrator may revise said esti-  
22 mate with the approval of the Director of the Bureau of  
23 the Budget, and the General Supply Fund shall be accord-  
24 ingly increased or diminished at the request of the Admin-

1   istrator. The General Supply Fund shall be available for  
2   use by or under the direction and control of the Admin-  
3   istrator (1) for procuring personal property (including the  
4   purchase from or through the Public Printer of standard  
5   forms and blankbook work for warehouse issue) and non-  
6   personal services for the use of Federal agencies in the  
7   proper discharge of their responsibilities, and (2) for paying  
8   all elements of cost of the procurement, handling, and dis-  
9   tribution thereof, except that on and after July 1, 1950, those  
10  elements of cost which are determined by the Administrator  
11  with the approval of the Director of the Bureau of the  
12  Budget to be indirect or overhead costs shall not be paid  
13  from the fund.

14       SEC. 2. (a) The final sentence of subsection (a) of  
15  section 109 of the Federal Property and Administrative Serv-  
16  ices Act of 1949, as hereinbefore amended, is amended to  
17  read as follows: "The General Supply Fund shall be avail-  
18  able for use by and under the direction of the Administrator  
19  (1) for procuring personal property (including the purchase  
20  from or through the Public Printer of standard forms and  
21  blankbook work for warehouse issue) and nonpersonal serv-  
22  ices for the use of Federal agencies in the proper discharge  
23  of their responsibilities, and (2) for paying the purchase  
24  price, transportation to first storage point of supplies and

1 services, and the cost of personal services employed directly  
2 in the repair, rehabilitation, and conversion of personal  
3 property.”

4 (b) The third sentence of subsection (b) of section  
5 109 of such Act is amended to read as follows: “On and  
6 after such date, such prices shall be fixed at levels so as to  
7 recover so far as practicable the applicable purchase price,  
8 the transportation cost to first storage point, inventory losses,  
9 the cost of personal services employed directly in the repair,  
10 rehabilitation, and conversion of personal property, and the  
11 cost of amortization and repair of equipment utilized for  
12 lease or rent to executive agencies.”

13 (c) The amendments made by this section shall be  
14 effective on the date, not earlier than July 1, 1950, on which  
15 the Administrator of General Services shall determine that  
16 appropriated funds adequate to effectuate the purposes of  
17 such amendments have been made available.

18 SEC. 3. Section 109 of the Federal Property and Ad-  
19 ministrative Services Act of 1949 is amended by adding  
20 at the end thereof the following new subsection:

21 “(g) The Administrator of General Services is author-  
22 ized in his discretion to charge vendors and producers of  
23 commodities considered for purchase such fees as he shall  
24 determine to be reasonable for testing such commodities for  
25 conformance to specifications and standards, and such fees

1 may be deposited in the General Supply Fund and used to  
2 defray the expenses of conducting such tests as the Adminis-  
3 trator may prescribe.”

4 SEC. 4. Paragraphs (1) and (2) of section 203 (j) of  
5 the Federal Property and Administrative Services Act of  
6 1949 are amended to read as follows:

7 “(1) Under such regulations as he may prescribe, the  
8 Administrator is authorized in his discretion to donate for  
9 educational purposes or public health purposes, including  
10 research, in the States, Territories, and possessions without  
11 cost (except for costs of care and handling) such equipment,  
12 materials, books, or other supplies under the control of  
13 any executive agency as shall have been determined to be  
14 surplus property and which shall have been determined under  
15 paragraph (2) or paragraph (3) of this subsection to be  
16 usable and necessary for educational purposes or public  
17 health purposes, including research.

18 “(2) Determination whether such surplus property  
19 (except surplus property donated in conformity with para-  
20 graph (3) of this subsection) is usable and necessary for  
21 educational purposes or public health purposes, including  
22 research, shall be made by the Federal Security Admin-  
23 istrator, who shall allocate such property on the basis of  
24 needs and utilization for transfer by the Administrator  
25 of General Services to tax-supported medical institutions,



1 hospitals, or similar institutions providing health care,  
 2 school systems, schools, colleges, and universities, and to  
 3 other nonprofit medical institutions, hospitals, or similar  
 4 institutions providing health care, schools, colleges, and  
 5 universities which have been held exempt from taxation  
 6 under section 101 (6) of the Internal Revenue Code,  
 7 or to State departments of education or health for dis-  
 8 tribution to such tax-supported and nonprofit medical insti-  
 9 tutions, hospitals, or similar institutions providing health  
 10 care, school systems, schools, colleges, and universities;  
 11 except that in any State where another agency is desig-  
 12 nated by State law for such purpose such transfer shall  
 13 be made to said agency for such distribution within  
 14 the State.”

15 SEC. 5. The Federal Property and Administrative Serv-  
 16 ices Act of 1949 is amended by—

17 (a) redesignating section 210 thereof as section  
 18 212, and wherever such section number appears in such  
 19 Act as originally enacted, it is amended to conform to  
 20 the redesignation prescribed by this subsection:

21 (b) inserting in the table of contents appearing in  
 22 the first section of such Act, immediately after the line  
 23 in which “Sec. 209.” appears, the following:

“Sec. 210. Operation of buildings and related activities.  
 “Sec. 211. Automobile identification.”

1           (c) inserting, immediately after section 209  
2       thereof, the following new sections:

3       “OPERATION OF BUILDINGS AND RELATED ACTIVITIES

4       “SEC. 210. (a) Whenever and to the extent that the  
5       Administrator has been or hereafter may be authorized by  
6       any provision of law other than this subsection to main-  
7       tain, operate, and protect any building, property, or grounds  
8       situated in or outside the District of Columbia, including the  
9       construction, repair, preservation, demolition, furnishing, and  
10      equipment thereof, he is authorized in the discharge of the  
11      duties so conferred upon him—

12           “(1) to purchase, repair, and clean uniforms for  
13      civilian employees of the General Services Administra-  
14      tion who are required by law or regulation to wear  
15      uniform clothing;

16           “(2) to furnish arms and ammunition for the pro-  
17      tection force maintained by the General Services Ad-  
18      ministration;

19           “(3) to pay ground rent for buildings owned by  
20      the United States or occupied by Federal agencies, and  
21      to pay such rent in advance when required by law or  
22      when the Administrator shall determine such action to  
23      be in the public interest;

24           “(4) to employ and pay personnel employed in

1 connection with the functions of operation, maintenance,  
2 and protection of property at such per diem rates as  
3 may be approved by the Administrator, not exceeding  
4 rates currently paid by private industry for similar serv-  
5 ices in the place where such services are performed;

6 “(5) without regard to the provisions of section 322  
7 of the Act of June 30, 1932 (47 Stat. 412), as amend-  
8 ed, to pay rental, and to make repairs, alterations, and  
9 improvements under the terms of any lease entered into  
10 by, or transferred to, the General Services Administra-  
11 tion for the housing of any Federal agency which on  
12 June 30, 1950, was specifically exempted by law from  
13 the requirements of said section;

14 “(6) to obtain payments, through advances or  
15 otherwise, for services, space, quarters, maintenance,  
16 repair, or other facilities furnished, on a reimbursable  
17 basis, to any other Federal agency, or any mixed-owner-  
18 ship corporation (as defined in the Government Cor-  
19 poration Control Act), or the District of Columbia, the  
20 Senate, or the House of Representatives, and to credit  
21 such payments to the applicable appropriation of the  
22 General Services Administration;

23 “(7) to make changes in, maintain, and repair the  
24 pneumatic tube system connecting buildings owned or  
25 occupied by Federal agencies in New York City in-

1 stalled under franchise of the city of New York, approved  
2 June 29, 1909, and June 11, 1928, and to make pay-  
3 ments of any obligations arising thereunder in accordance  
4 with the provisions of the Acts approved August 5,  
5 1909 (36 Stat. 120), and May 15, 1928 (45 Stat.  
6 533) ;

7 “(8) without regard to the 25 per centum limitation  
8 of section 322 of the Act of June 30, 1932 (47 Stat.  
9 412), as amended, to repair, alter, and improve rented  
10 premises when the Administrator shall certify that the  
11 execution of such work, without reference to such limi-  
12 tation, would in the specific case be in the best interest  
13 of the United States;

14 “(9) to pay sums in lieu of taxes on real property  
15 declared surplus by Government corporations, pursuant  
16 to the Surplus Property Act of 1944, where legal title  
17 to such property remains in any such Government  
18 corporation;

19 “(10) to furnish utilities and other services to  
20 persons, firms, or corporations occupying or utilizing  
21 plants or portions of plants which constitute (A) a part  
22 of the National Industrial Reserve pursuant to the  
23 National Industrial Reserve Act of 1948, or (B) surplus  
24 real property, and to credit the amounts received there-



1 from to the applicable appropriation of the General  
2 Services Administration;

3 “(11) at the direction of the Secretary of Defense,  
4 to use proceeds received from insurance against damage  
5 to properties of the National Industrial Reserve for re-  
6 pair or restoration of the damaged properties; and

7 “(12) to acquire, by purchase, condemnation, or  
8 otherwise, real estate and interests therein.

9 “(b) At the request of any Federal agency or any  
10 mixed-ownership corporation (as defined in the Govern-  
11 ment Corporation Control Act), or the District of Columbia,  
12 the Senate, or the House of Representatives, the Adminis-  
13 trator is hereby authorized to operate, maintain, and protect  
14 any building owned by the United States (or, in the case  
15 of any wholly owned or mixed-ownership Government cor-  
16 poration, by such corporation) and occupied by the agency  
17 or instrumentality making such request.

18 “(c) At the request of any Federal agency or any  
19 mixed-ownership corporation (as defined in the Govern-  
20 ment Corporation Control Act), the District of Columbia,  
21 the Senate, or the House of Representatives, the Administra-  
22 tor is hereby authorized (1) to acquire land for buildings  
23 and projects authorized by the Congress; (2) to make or  
24 cause to be made, under contract or otherwise, surveys and

1 test borings and to prepare plans and specifications for such  
2 buildings and projects prior to the approval by the Attorney  
3 General of the title to the sites thereof; and (3) to contract  
4 for, and to supervise, the construction and development and  
5 the equipping of such buildings or projects. Any sum avail-  
6 able to any such Federal agency or instrumentality for any  
7 such building or project may be transferred by such agency  
8 to the General Services Administration in advance for such  
9 purposes as the Administrator shall determine to be neces-  
10 sary, including the payment of salaries and expenses of per-  
11 sonnel engaged in the preparation of plans and specifications  
12 or in field supervision, and for general office expenses to be  
13 incurred in the rendition of any such service.

14 “(d) Whenever the Director of the Bureau of the  
15 Budget shall determine such action to be in the interest of  
16 economy or efficiency, he shall transfer to the Administrator  
17 all functions then vested in any other Federal agency with  
18 respect to the operation, maintenance, and custody of any  
19 office building owned by the United States or any wholly  
20 owned Government corporation, or any office building or part  
21 thereof occupied by any Federal agency under any lease,  
22 except that no transfer shall be made under this subsection—

23 “(1) of any post-office building unless the Director  
24 shall first determine that such building is not used pre-

1        dominantly for post-office purposes, and functions which  
2        are transferred hereunder to the Administrator with  
3        respect to any post-office building may be delegated by  
4        him only to another officer or employee of the General  
5        Services Administration or to the Postmaster General;

6            “(2) of any building located in any foreign country;

7            “(3) of any building located on the grounds of any  
8        fort, camp, post, arsenal, navy yard, naval training  
9        station, air field, proving ground, military supply depot,  
10       or school, or of any similar facility of the Department  
11       of Defense, unless and to such extent as a permit for  
12       its use by another agency or agencies shall have been  
13       issued by the Secretary of Defense or his duly authorized  
14       representative;

15           “(4) of any building which the Director of the  
16       Bureau of the Budget finds to be a part of a group of  
17       buildings which are (A) located in the same vicinity,  
18       (B) are utilized wholly or predominantly for the special  
19       purposes of the agency having custody thereof, and  
20       (C) are not generally suitable for the use of other  
21       agencies; or

22           “(5) of the Treasury Building, the Bureau of En-  
23       graving and Printing Building, the buildings occupied  
24       by the National Bureau of Standards, and the buildings

1 under the jurisdiction of the regents of the Smithsonian  
2 Institution.

3 "AUTOMOBILE IDENTIFICATION

4 "SEC. 211. Under regulations prescribed by the Admin-  
5 istrator, every motor vehicle acquired and used for official  
6 purposes within the United States, its Territories, or posses-  
7 sions, by any department, establishment, wholly owned  
8 Government corporation, or other agency of the United  
9 States shall be conspicuously identified by showing thereon  
10 either (a) the full name of the department, establishment,  
11 corporation, or agency by which it is used and the service in  
12 which it is used, or (b) a title descriptive of the service in  
13 which it is used if such title readily identifies the department,  
14 establishment, corporation, or agency concerned: *Provided*,  
15 That the regulations issued pursuant to this section may  
16 provide for exemptions from the requirement of this section  
17 when conspicuous identification would interfere with the pur-  
18 pose for which a vehicle is acquired and used."

19 SEC. 6. The Federal Property and Administrative Serv-  
20 ices Act of 1949 is amended by—

21 (a) redesignating "title V" of such Act as "title  
22 VI" thereof, and "title V", wherever it appears therein,  
23 is amended to read "title VI";

24 (b) redesignating sections 501-505, inclusive, of



1       such Act, respectively, as sections 601–605, inclusive,  
 2       thereof, and wherever any such section number appears  
 3       in such Act as originally enacted, it is amended to con-  
 4       form in numbering to the redesignation prescribed by  
 5       this subsection; and

6               (c) inserting at the proper place in the table of con-  
 7       tents to such Act the following:

“TITLE V—FEDERAL RECORDS

- “Sec. 501. Custody and control of property.
- “Sec. 502. National Historical Publications Commission.
- “Sec. 503. Federal Records Council.
- “Sec. 504. Records management; the Administrator.
- “Sec. 505. Records management; agency heads.
- “Sec. 506. Archival administration.
- “Sec. 507. Reports.
- “Sec. 508. Legal status of reproductions.
- “Sec. 509. Limitation on liability.
- “Sec. 510. Definitions.
- “Sec. 511. Short title.”

8               (d) inserting, immediately following title IV thereof,  
 9       the following new title:

“TITLE V—FEDERAL RECORDS

“CUSTODY AND CONTROL OF PROPERTY

12       “SEC. 501. The Administrator shall have immediate  
 13       custody and control of the National Archives Building and  
 14       its contents, and shall have authority to design, construct,  
 15       purchase, lease, maintain, operate, protect, and improve  
 16       buildings used by him for the storage of records of Federal  
 17       agencies in the District of Columbia and elsewhere.

## 1 "NATIONAL HISTORICAL PUBLICATIONS COMMISSION

2 "SEC. 502. (a) There is hereby created a National  
3 Historical Publications Commission consisting of the  
4 Archivist (or an alternate designated by him), who shall  
5 be Chairman; the Librarian of Congress (or an alternate  
6 designated by him); one Member of the United States  
7 Senate to be appointed, for a term of four years, by the  
8 President of the Senate; one Member of the House of  
9 Representatives to be appointed, for a term of four years,  
10 by the Speaker of the House of Representatives; one repre-  
11 sentative of the judicial branch of the Government to be  
12 appointed, for a term of four years, by the Chief Justice  
13 of the United States; one representative of the Department of  
14 State to be appointed, for a term of four years, by the Secre-  
15 tary of State; one representative of the Department of De-  
16 fense to be appointed, for a term of four years, by the Secre-  
17 tary of Defense; two members of the American His-  
18 torical Association to be appointed by the president thereof  
19 from those persons who are or have been members of the  
20 executive council of the said association, one of whom shall  
21 serve an initial term of two years and the other an initial  
22 term of three years, but their successors shall be appointed  
23 for terms of four years; and two other members outstanding

1 in the fields of the social or physical sciences to be appointed  
2 by the President of the United States, one of whom shall  
3 serve an initial term of one year and the other an initial  
4 term of three years, but their successors shall be appointed  
5 for terms of four years. The Commission shall meet an-  
6 nually and on call of the Chairman.

7 “(b) Any person appointed to fill a vacancy in the  
8 membership of the Commission shall be appointed only for  
9 the unexpired term of the member whom he shall succeed,  
10 and his appointment shall be made in the same manner in  
11 which the appointment of his predecessor was made.

12 “(c) The expenses of the Commission are hereby au-  
13 thorized to be paid by the Administrator. Members of the  
14 Commission who represent any branch or agency of the  
15 Government shall serve as members of the Commission with-  
16 out additional compensation. All members of the Commis-  
17 sion shall be reimbursed for transportation expenses incurred  
18 in attending meetings of the Commission, and all such mem-  
19 bers other than those who represent any branch or agency of  
20 the Government of the United States shall receive in lieu of  
21 subsistence en route to or from or at the place of such serv-  
22 ice, for each day actually spent in connection with the  
23 performance of their duties as members of such Commission,  
24 such sum, not to exceed \$25, as the Administrator shall  
25 prescribe.

“(d) The Commission shall make plans, estimates, and recommendations for such historical works and collections of sources as it deems appropriate for printing or otherwise recording at the public expense; and shall cooperate with and encourage appropriate Federal, State, and local agencies and nongovernmental institutions, societies, and individuals in collecting and preserving and, when it deems such action to be desirable, in editing and publishing the papers of outstanding citizens of the United States and such other documents as may be important for an understanding and appreciation of the history of the United States. As soon as may be practicable after the close of each fiscal year, the Chairman of the Commission shall transmit to the Administrator such plans, estimates, and recommendations as have been approved by the Commission during such year.

“FEDERAL RECORDS COUNCIL

“SEC. 503. The Administrator shall establish a Federal Records Council, and shall advise and consult with the Council with a view to obtaining its advice and assistance in carrying out the purposes of this title. The Council shall include representatives of the legislative, judicial, and executive branches of the Government in such number as the Administrator shall determine. Members of the Council representing the legislative branch shall be designated, in



1 equal number, by the President of the Senate and the  
2 Speaker of the House of Representatives. Members of the  
3 Council representing the judicial branch shall be designated  
4 by the Chief Justice of the United States. Members of the  
5 Council representing the executive branch shall be desig-  
6 nated by the Administrator from persons nominated by the  
7 head of the agency concerned. Members of the Council shall  
8 serve without compensation, but shall be reimbursed for all  
9 necessary expenses actually incurred in the performance of  
10 their duties as members of the Council.

11 “RECORDS MANAGEMENT; THE ADMINISTRATOR

12 “SEC. 504. (a) The Administrator shall make provi-  
13 sions for the economical and efficient management of records  
14 of Federal agencies (1) by analyzing, developing, promot-  
15 ing, and coordinating standards, procedures, and techniques  
16 designed to improve the management of current records,  
17 to insure the maintenance and security of records deemed  
18 appropriate for preservation, and to facilitate the segrega-  
19 tion and disposal of records of temporary value, and (2)  
20 by promoting the efficient and economical utilization of  
21 space, equipment, and supplies needed for the purpose of  
22 creating, maintaining, storing, and servicing records.

23 “(b) The Administrator shall establish standards for  
24 the selective retention of records of continuing value, and

1 assist Federal agencies in applying such standards to records  
2 in their custody; and he shall notify the head of any Federal  
3 agency of any actual, impending, or threatened unlawful  
4 removal, defacing, alteration, or destruction of records in the  
5 custody of such agency that shall come to his attention, and  
6 assist the head of such agency in initiating action through  
7 the Attorney General for the recovery of such records as shall  
8 have been unlawfully removed and for such other redress  
9 as may be provided by law.

10 “(c) The Administrator is authorized to inspect or  
11 survey personally or by deputy the records of any Federal  
12 agency, as well as to make surveys of records management  
13 and records disposal practices in such agencies, and shall be  
14 given the full cooperation of officials and employees of agen-  
15 cies in such inspections and surveys: *Provided*, That records,  
16 the use of which is restricted by or pursuant to law or for  
17 reasons of national security or the public interest, shall be  
18 inspected or surveyed in accordance with regulations promul-  
19 gated by the Administrator, subject to the approval of the  
20 head of the custodial agency.

21 “(d) The Administrator is authorized to establish,  
22 maintain, and operate records centers for the storage, proc-  
23 essing, and servicing of records for Federal agencies pending  
24 their deposit with the National Archives of the United States

1 or their disposition in any other manner authorized by law;  
2 and to operate centralized microfilming services for Federal  
3 agencies.

4 “(e) Subject to applicable provisions of law, the Ad-  
5 ministrator shall promulgate regulations governing the  
6 transfer of records from the custody of one executive agency  
7 to that of another.

8 “(f) The Administrator may empower any Federal  
9 agency, upon the submission of evidence of need therefor, to  
10 retain records for a longer period than that specified in dis-  
11 posal schedules approved by Congress, and, in accordance  
12 with regulations promulgated by him, may withdraw dis-  
13 posal authorizations covering records listed in disposal  
14 schedules approved by Congress.

15 “RECORDS MANAGEMENT; AGENCY HEADS

16 “SEC. 505. (a) The head of each Federal agency shall  
17 cause to be made and preserved records containing adequate  
18 and proper documentation of the organization, functions,  
19 policies, decisions, procedures, and essential transactions of  
20 the agency and designed to furnish the information necessary  
21 to protect the legal and financial rights of the Government  
22 and of persons directly affected by the agency's activities.

23 “(b) The head of each Federal agency shall establish  
24 and maintain an active, continuing program for the eco-  
25 nomical and efficient management of the records of the

1 agency. Such program shall, among other things, provide  
2 for (1) effective controls over the creation, maintenance,  
3 and use of records in the conduct of current business; (2)  
4 cooperation with the Administrator in applying standards,  
5 procedures, and techniques designed to improve the manage-  
6 ment of current records, promote the maintenance and security  
7 of records deemed appropriate for preservation, and facilitate  
8 the segregation and disposal of records of temporary value;  
9 and (3) compliance with the provisions of this title and the  
10 regulations issued thereunder.

11 “(c) Whenever the head of a Federal agency deter-  
12 mines that substantial economies or increased operating  
13 efficiency can be effected thereby, he shall provide for  
14 the storage, processing, and servicing of records that  
15 are appropriate therefor in a records center maintained  
16 and operated by the Administrator or, when approved by  
17 the Administrator, in such a center maintained and operated  
18 by the agency of which he is the head.

19 “(d) Any official of the Government who is authorized  
20 to certify to facts on the basis of records in his custody, is  
21 hereby authorized to certify to facts on the basis of records  
22 that have been transferred by him or his predecessors to the  
23 Administrator.

24 “(e) The head of each Federal agency shall establish  
25 such safeguards against the removal or loss of records as he



1 shall determine to be necessary and as may be required by  
2 regulations of the Administrator. Such safeguards shall in-  
3 clude making it known to all officials and employees of the  
4 agency (1) that no records in the custody of the agency are  
5 to be alienated or destroyed except in accordance with the  
6 provisions of the Act approved July 7, 1943 (57 Stat. 380-  
7 383), as amended July 6, 1945 (59 Stat. 434), and (2)  
8 the penalties provided by law for the unlawful removal or  
9 destruction of records.

10 “(f) The head of each Federal agency shall notify  
11 the Administrator of any actual, impending, or threatened  
12 unlawful removal, defacing, alteration, or destruction of  
13 records in the custody of the agency of which he is the  
14 head that shall come to his attention, and with the assist-  
15 ance of the Administrator shall initiate action through the  
16 Attorney General for the recovery of records he knows or  
17 has reason to believe have been unlawfully removed from  
18 his agency, or from any other Federal agency whose records  
19 have been transferred to his legal custody.

20 “ARCHIVAL ADMINISTRATION

21 “SEC. 506. (a) The Administrator, whenever it appears  
22 to him to be in the public interest, is hereby authorized—

23 “(1) to accept for deposit with the National  
24 Archives of the United States the records of any Federal  
25 agency or of the Congress of the United States that

1 are determined by the Archivist to have sufficient his-  
2 torical or other value to warrant their continued preser-  
3 vation by the United States Government;

4 “(2) to direct and effect the transfer of records  
5 deposited (or approved for deposit) with the National  
6 Archives of the United States to public or educational  
7 institutions or associations: *Provided*, That the title  
8 to such records shall remain vested in the United States  
9 unless otherwise authorized by Congress; and

10 “(3) to direct and effect the transfer of materials  
11 from private sources authorized to be received by the  
12 Administrator by the provisions of subsection (e) of  
13 this section.

14 “(b) The Administrator shall be responsible for the  
15 custody, use, and withdrawal of records transferred to him:  
16 *Provided*, That whenever any records the use of which is  
17 subject to statutory limitations and restrictions are so trans-  
18 ferred, permissive and restrictive statutory provisions with  
19 respect to the examination and use of such records applicable  
20 to the head of the agency from which the records were  
21 transferred or to employees of that agency shall thereafter  
22 likewise be applicable to the Administrator, the Archivist,  
23 and to the employees of the General Services Administra-  
24 tion, respectively: *Provided further*, That whenever the head  
25 of any agency shall specify in writing restrictions that appear

1 to him to be necessary or desirable in the public interest,  
2 on the use or examination of records being considered for  
3 transfer from his custody to the Administrator, the Ad-  
4 ministrator shall impose such restrictions on the records so  
5 transferred, and shall not remove or relax such restrictions  
6 without the concurrence in writing of the head of the agency  
7 from which the material shall have been transferred unless  
8 the existence of that agency shall have been terminated:  
9 *Provided, however,* That statutory and other restrictions  
10 referred to in the provisos of this subsection shall not remain  
11 in force or effect after the records have been in existence  
12 for fifty years unless the Administrator by order shall deter-  
13 mine with respect to specific bodies of records that such  
14 restrictions shall remain in force and effect for a longer  
15 period: *And provided further,* That restrictions on the use  
16 or examination of records deposited with the National  
17 Archives of the United States heretofore imposed and now  
18 in force and effect under the terms of section 3 of the  
19 National Archives Act, approved June 19, 1934, shall con-  
20 tinue in force and effect regardless of the expiration of the  
21 tenure of office of the official who imposed them but may  
22 be removed or relaxed by the Administrator with the con-  
23 currence in writing of the head of the agency from which  
24 material has been transferred or by the Administrator alone  
25 if the existence of that agency shall have been terminated.

1       “(c) The Administrator shall make provisions for the  
2 preservation, arrangement, repair and rehabilitation, dupli-  
3 cation and reproduction (including microcopy publications),  
4 description, and exhibition of records transferred to him as  
5 may be needful or appropriate, including the preparation  
6 and publication of inventories, indexes, catalogs, and other  
7 finding aids or guides facilitating their use; and, when ap-  
8 proved by the National Historical Publications Commission,  
9 he may also publish such historical works and collections of  
10 sources as seem appropriate for printing or otherwise record-  
11 ing at the public expense.

12       “(d) The Administrator shall make such provisions and  
13 maintain such facilities as he deems necessary or desirable  
14 for servicing records in his custody that are not exempt  
15 from examination by statutory provisions or other restric-  
16 tions.

17       “(e) The Administrator may accept for deposit—

18       “(1) the personal papers and other personal his-  
19 torical documentary materials of the present President of  
20 the United States, his successors, heads of executive de-  
21 partments, and such other officials of the Government  
22 as the President may designate, offered for deposit under  
23 restrictions respecting their use specified in writing by  
24 the prospective depositors: *Provided*, That restrictions  
25 so specified on such materials, or any portions thereof,



1       accepted by the Administrator for such deposit shall  
2       have force and effect during the lifetime of the depositor  
3       or for a period not to exceed twenty-five years, which-  
4       ever is longer, unless sooner terminated in writing by the  
5       depositor or his legal heirs: *And provided further*, That  
6       the Archivist determines that the materials accepted for  
7       such deposit will have continuing historical or other  
8       values;

9               “(2) motion-picture films, still pictures, and sound  
10       recordings from private sources that are appropriate for  
11       preservation by the Government as evidence of its or-  
12       ganization, functions, policies, decisions, procedures, and  
13       transactions.

14       “(f) The Administrator is hereby authorized to make  
15       and preserve motion-picture films, still pictures, and sound  
16       recordings pertaining to and illustrative of the historical de-  
17       velopment of the United States Government and its activities,  
18       and to make provisions for preparing, editing, titling, scoring,  
19       processing, duplicating, reproducing, exhibiting, and re-  
20       leasing motion-picture films, still pictures, and sound re-  
21       cordings in his custody.

22                               “REPORTS

23       “SEC. 507. (a) The Administrator is hereby author-  
24       ized to require Federal agencies to report on their activities  
25       under the provisions of this title and the Act approved July

1 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59  
2 Stat. 434), and, whenever he deems it necessary, to issue  
3 regulations to carry out the provisions thereof, which shall  
4 be binding on all agencies.

5 “(b) The Administrator shall, whenever he finds that  
6 any provisions of this title have been or are being violated,  
7 inform in writing the head of the agency concerned of such  
8 violations and make recommendations regarding means of  
9 correcting them. Unless corrective measures satisfactory to  
10 the Administrator are inaugurated within a reasonable time,  
11 the Administrator shall submit a written report thereon to  
12 the President and the Congress.

13 “LEGAL STATUS OF REPRODUCTIONS

14 “SEC. 508. (a) Whenever any records that are re-  
15 quired by statute to be retained indefinitely have been  
16 reproduced by photographic, microphotographic, or other  
17 processes, in accordance with standards established by the  
18 Administrator, the indefinite retention of such photographic,  
19 microphotographic, or other reproductions will be deemed to  
20 constitute compliance with the statutory requirement for the  
21 indefinite retention of such original records. Such reproduc-  
22 tions, as well as reproductions made in compliance with  
23 regulations promulgated to carry out this title, shall have  
24 the same legal status as the originals thereof.

25 “(b) There shall be an official seal for the National

1 Archives of the United States which shall be judicially  
2 noticed. When any copy or reproduction, furnished under  
3 the terms hereof, is authenticated by such official seal and  
4 certified by the Administrator, such copy or reproduction  
5 shall be admitted in evidence equally with the original from  
6 which it was made.

7 “(c) The Administrator may charge a fee not in excess  
8 of 10 per centum above the costs or expenses for making  
9 or authenticating copies or reproductions of materials trans-  
10 ferred to his custody. All such fees shall be paid into,  
11 administered, and expended as a part of the National Ar-  
12 chives Trust Fund provided for in section 5 of the Act  
13 approved July 9, 1941. There shall be no charge for  
14 making or authenticating copies or reproductions of such  
15 materials for official use by the United States Government:  
16 *Provided*, That reimbursement may be accepted to cover  
17 the cost of furnishing such copies or reproductions that could  
18 not otherwise be furnished.

19 “LIMITATION ON LIABILITY

20 “SEC. 509. With respect to letters and other intellectual  
21 productions after they come into the custody or possession  
22 of the Administrator, neither the United States nor its agents  
23 shall be liable for any infringement of literary property rights  
24 or analogous rights arising thereafter out of use of such

1 materials for display, inspection, research, reproduction, or  
2 other purposes.

3 "DEFINITIONS

4 "SEC. 510. When used in this title—

5 "(a) The term 'records' shall have the meaning given  
6 to such term by section 1 of the Act entitled 'An Act to  
7 provide for the disposal of certain records, of the United  
8 States Government', approved July 7, 1943 (57 Stat. 380,  
9 as amended; 44 U. S. C. 366) ;

10 "(b) The term 'records center' means an establishment  
11 maintained by the Administrator or by an agency primarily  
12 for the storage, servicing, security, and processing of records  
13 that must be preserved for varying periods of time and need  
14 not be retained in office equipment and space;

15 "(c) The term 'servicing' means making available for  
16 use information in records and other materials in the custody  
17 of the Administrator—

18 "(1) by furnishing such records or other materials,  
19 or information from such records or other materials, or  
20 copies or reproductions thereof to agencies of the Govern-  
21 ment for official use and to the public; and

22 "(2) by making and furnishing authenticated or  
23 unauthenticated copies or reproductions of such records  
24 and other materials.



1       “(d) The term ‘National Archives of the United  
2 States’ means those official records that have been deter-  
3 mined by the Archivist to have sufficient historical or other  
4 value to warrant their continued preservation by the United  
5 States Government; and have been accepted by the Admin-  
6 istrator for deposit in his custody.

7       “(e) The term ‘Archivist’ means the Archivist of the  
8 United States.

9       Nothing in this title shall be construed as limiting the  
10 authority of the Comptroller General of the United States  
11 with respect to prescribing accounting systems, forms, and  
12 procedures, or lessening the responsibility of collecting and  
13 disbursing officers for rendition of their accounts for settle-  
14 ment by the General Accounting Office.

15                                   “SHORT TITLE

16       “SEC. 511. This title may be cited as the ‘Federal  
17 Records Act of 1950’.”

18       SEC. 7. The Federal Property and Administrative  
19 Services Act of 1949 is further amended by—

20               (a) striking out the word “and” preceding “(2)”  
21 in subsection (d) of section 3 thereof; substituting a  
22 semicolon for the period at the end of said subsection;  
23 and adding at the end of such subsection the following:  
24       “and (3) records of the Federal Government”;

1 (b) striking out, in section 208 (a) thereof, the  
2 expression “and V”, and inserting in lieu thereof the  
3 expression “V, and VI”;

4 (c) striking out, in section 208 (b) thereof, the  
5 expression “and V”, and inserting in lieu thereof the  
6 expression “V, and VI”;

7 (d) striking out the word “and” at the end of  
8 paragraph (30) of section 602 (a) ; striking out the  
9 period at the end of paragraph (31) of section 602 (a)  
10 and inserting in lieu thereof a semicolon; and adding  
11 at the end of section 602 (a) the following new  
12 paragraphs:

13 “(32) the Act entitled ‘An Act to establish a  
14 National Archives of the United States Government,  
15 and for other purposes’, approved June 19, 1934 (48  
16 Stat. 1122-1124, as amended; 44 U. S. C. 300f-k) ; and

17 “(33) section 4 of the Act of February 3, 1905,  
18 (33 Stat. 687, as amended; 5 U. S. C. 77).”

19 (e) amending subsections 602 (b) and (c) thereof  
20 to read as follows:

21 “(b) There are hereby superseded—

22 “(1) the provisions of the first, third, and fifth  
23 paragraphs of section 1 of Executive Order Numbered  
24 6166 of June 10, 1933, insofar as they relate to any

1 function now administered by the Bureau of Federal  
2 Supply except functions with respect to standard con-  
3 tract forms; and

4 “(2) sections 2 and 4 of the Act entitled ‘An Act  
5 to provide for the disposal of certain records of the  
6 United States Government’, approved July 7, 1943  
7 (57 Stat. 380-383, as amended; 44 U. S. C. 366-380),  
8 to the extent that the provisions thereof are inconsistent  
9 with the provisions of title V of this Act.

10 “(c) The authority conferred by this Act shall be para-  
11 mount to any authority conferred by any other law and shall  
12 not be subject to the provisions of any law inconsistent  
13 herewith, except that sections 205 (b) and 206 (c) of this  
14 Act shall not be applicable to any Government corporation  
15 or agency which is subject to the Government Corporation  
16 Control Act (59 Stat. 597; 31 U. S. C. 841).”

17 (f) amending paragraphs (17), (18), and (19)  
18 of section 602 (d) thereof to read as follows:

19 “(17) Central Intelligence Agency; or

20 “(18) for such period of time as the President may  
21 specify, any other authority of any executive agency  
22 which the President determines within one year after the  
23 effective date of this Act should, in the public interest,  
24 stand unimpaired by this Act.”

1           (g) striking out the period at the end of section  
2       603 (a) thereof and inserting in lieu thereof a comma  
3       and the following: "including payment in advance, when  
4       authorized by the Administrator, for library member-  
5       ships in societies whose publications are available to  
6       members only, or to members at a price lower than  
7       that charged to the general public."

8       SEC. 8. All laws or parts of laws in conflict with the  
9       amendments made by this Act are, to the extent of such  
10      conflict, hereby repealed.



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## A BILL

To amend the Federal Property and Administrative Services Act of 1949, and for other purposes.

---

By Mr. McCLELLAN

---

JUNE 15 (legislative day, JUNE 7), 1950

Read twice and referred to the Committee on Expenditures in the Executive Departments

5. Every part-time post security officer should be trained in Washington before going abroad instead of depending solely on the instruction which he receives from the regional security officer after arrival.

6. Careful study should be given to providing a system whereby the Department will be kept informed of any recommendations which any security officer may make for the improvement of the service. At present such recommendations may be made to Chiefs of Missions, but the State Department be uninformed of them. Under the present system most posts have a nonprofessional security officer who has security responsibility in addition to his other duties. Study should be given to changing this arrangement to one in which the work of post security is done by a professional security man who may perform nonsecurity work in addition to his other duties, and not vice versa.

7. It would be advantageous to have precise instruction in the form of a well-organized course in Communist techniques given to all security officers before they leave the United States. They all will learn about the brutal facts of communism sooner or later anyway, and it would save time for them to get their information earlier in a concentrated and authoritative form. The training of all security officers should be more standardized than is now the case.

8. The system of having marines guarding American embassies and legations has worked out extremely well, and the unanimous testimony indicates that for all civilian guards additional Marines should be substituted. It is estimated that to accomplish this, 200 more marines would be required. Testimony shows that in Germany charwomen have access to virtually all rooms in the American headquarters, that they are not required to keep doors open while cleaning, and that they are not watched while working either by American or German guards.

9. In many instances alien servants and drivers of American officials are not screened. This offers a very dangerous opportunity for espionage.

10. There should be more professional security officers on a regional basis so that more frequent investigations of posts may be made. In region II, the area that is covered by the Cairo office, testimony indicates two more security officers are needed. Region I, it is believed, needs three to four more security officers. In Germany there are now four full-time security officers, but it is believed that at least two more are necessary. It is noteworthy that the man who is now charged with security in Berlin does not actually come under the Security Division and gives only 80 percent of his time to the work. It seems that here is a sensitive place which is certainly entitled to the services of a full-time man and one who is clearly under the Security Chief. At present the fact that there are only four security officers in Germany means that it will take 8 to 10 months more to finish the building survey. A staff of seven could finish the work in 4 to 6 months. This time is worth saving at this critical juncture.

11. As one illustration of the growing awareness of the importance of security, it may be noted that in Germany since December 1, 1949, about 50 out of a total of about 2,000 American employees have been dismissed for various security reasons. Security officers report hearty cooperation in most cases on the part of the chiefs of missions. This appreciation of the importance of security, however, is still lacking in some of the high-level positions. The testimony indicated that frequently there was less difficulty in keeping security in junior grades than among high officials.

12. There must be a rule of reason in these matters and security might be carried to a point where it hampers efficiency. A tendency

was reported to classify documents much higher than is warranted by the importance of their confidential character.

13. The workload in the Washington and New York offices is too heavy and there should be a larger force in both places.

14. At present the security of the State Department is handled by the Division of Security which is a part of the Office of Consular Affairs, which in turn is under the Deputy Under Secretary of State, who is in turn under the Secretary of State. It appears to this subcommittee that the title "Office of Consular Affairs" is not only misleading but relegates security to a minor post, when nowadays it should hold a more important place. It is recommended that the echelon which now exists between the Division of Security and the Deputy Under Secretary of State be eliminated. Thus, the Chief of Security would come directly under the Deputy Under Secretary of State, and in view of the increasing importance of security this is where he belongs. Security will thus get the benefit of first-hand encouragement from the top and the high officials will have more first-hand contact with security than is now the case.

15. Apart from the conclusions stated above, this committee has no present recommendations to make for the improvement of the existing security plan or of its administration.

Respectfully submitted.

THEODORE FRANCIS GREEN,  
*Chairman.*

HENRY CABOT LODGE, JR.  
WASHINGTON, D. C., June 14, 1950.

#### REPORTS ON DISPOSITION OF EXECUTIVE PAPERS

Mr. NEELY (for Mr. JOHNSTON of South Carolina), from the Joint Select Committee on the Disposition of Executive Papers, to which were referred for examination and recommendation three lists of records transmitted to the Senate by the Archivist of the United States that appeared to have no permanent value or historical interest, submitted reports thereon pursuant to law.

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HILL:

S. 3773. A bill for the relief of Midori Naito; to the Committee on the Judiciary.

By Mr. KILGORE:

S. 3774. A bill for the relief of Stephen A. Spillo; to the Committee on the Judiciary.  
(Mr. THOMAS of Utah (for himself and Mr. IVES) introduced Senate bill 3775, to provide for the establishing of congressional investigating commissions, which was referred to the Committee on Expenditures in the Executive Departments, and appears under a separate heading.)

By Mr. NEELY:

S. 3776. A bill to amend and extend the provisions of the District of Columbia Emergency Rent Act, as amended; to the Committee on the District of Columbia.

By Mr. THYE:

S. 3777. A bill for the relief of Valdeko Kangro; and

S. 3778. A bill for the relief of Kaljo Raid; to the Committee on the Judiciary.

By Mr. BENTON:

S. 3779. A bill to authorize the issuance of a special series of stamps commemorative of the one hundredth anniversary of the founding of the town of New Britain, Conn.; to the Committee on Post Office and Civil Service.

(Mr. MUNDT introduced Senate bill 3780, to establish a Commission on Cooperative

International Relations, which was referred to the Committee on Foreign Relations, and appears under a separate heading.)

(Mr. McCLELLAN introduced Senate bill 3781, to amend the Federal Property and Administrative Services Act of 1949, and for other purposes, which was referred to the Committee on Expenditures in the Executive Departments, and appears under a separate heading.)

#### AMENDMENT OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

Mr. McCLELLAN. Mr. President, I introduce for appropriate reference a bill to amend the Federal Property and Administrative Services Act of 1949, and for other purposes, and I ask unanimous consent that an explanatory statement of the bill which I have prepared be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred, and, without objection, the explanatory statement will be printed in the RECORD.

The bill (S. 2781) to amend the Federal Property and Administrative Services Act of 1949, and for other purposes, introduced by Mr. McCLELLAN, was read twice by its title, and referred to the Committee on Expenditures in the Executive Departments.

The explanatory statement presented by Mr. McCLELLAN is as follows:

#### STATEMENT BY SENATOR McCLELLAN

Mr. President, I am introducing a bill to amend the Federal Property and Administrative Services Act of 1949. This proposal was drafted by the General Services Administration in collaboration with the Bureau of the Budget, the staff of the Committee on Expenditures in the Executive Departments, and the legislative counsel of the Senate, and is intended to accomplish the following objectives:

(a) To clarify existing provisions of law and to provide more flexibility in the administration of the various programs administered by the General Services Administration.

(b) To authorize the donation of surplus personal property to State-controlled public health, hospitals and medical institutions in the same manner as such property is allocated to public schools for educational use.

(c) To provide enabling legislation authorizing the performance of certain supply services which have been carried on under authority contained in the annual appropriation acts.

(d) To further amend the National Archives Act of 1934, and to establish an orderly method of control, storage, and disposition of Government records, the establishment and maintenance of record centers, preservation of personal papers of the President, and the heads of executive departments, if and when it is determined that such papers are of historical importance or should be retained for posterity.

(e) To provide necessary administrative controls over Federal buildings management functions transferred to the General Services Administration under Reorganization Plan No. 18 of 1950.

Mr. President, this amendment has been analyzed by the staff of the Committee on Expenditures in the Executive Departments; it was compared with a similar measure introduced in the House of Representatives, and after consultation with the Bureau of the Budget and agency representatives, I believe that this amendment is essential and necessary to perfect the organization of the GSA, and shall endeavor to have it consid-



ered by the committee so that it can be presented to the Congress for action at this session in the form finally approved by the committee.

#### REORGANIZATION PLAN NO. 22 OF 1950

Mr. GEORGE (for himself and Mr. CAIN) submitted the following resolution (S. Res. 239), which was referred to the Committee on Expenditures in the Executive Departments:

*Resolved*, That the Senate does not favor the Reorganization Plan No. 22 transmitted to Congress by the President on May 9, 1950.

#### SOCIAL SECURITY ACT AMENDMENTS OF 1950—AMENDMENTS

Mr. GEORGE submitted amendments intended to be proposed by him to the bill (H. R. 6000) to extend and improve the Federal old-age and survivors insurance system, to amend the public assistance and child welfare provisions of the Social Security Act, and for other purposes, which were ordered to lie on the table and to be printed.

Mr. KILGORE submitted amendments intended to be proposed by him to House bill 6000, supra, which were ordered to lie on the table and to be printed.

#### SOCIAL SECURITY ACT AMENDMENTS OF 1950—AMENDMENTS

Mr. MYERS. Mr. President, I submit an amendment intended to be proposed by me to the bill (H. R. 6000) to extend and improve the Federal old-age and survivors insurance system, to amend the public assistance and child welfare provisions of the Social Security Act, and for other purposes, and deals with the payment of Federal grants to States for pensions to the blind, and I ask unanimous consent that an explanatory statement of the amendment prepared by me may be printed in the RECORD.

The VICE PRESIDENT. The amendment will be received, printed, and lie on the table, and, without objection, the explanatory statement will be printed in the RECORD.

The explanatory statement presented by Mr. MYERS is as follows:

#### STATEMENT BY SENATOR MYERS ON INTRODUCING BLIND PENSION AMENDMENT TO THE SOCIAL SECURITY BILL

Mr. President, I intend to submit an amendment to the pending social security bill, H. R. 6000. My amendment deals with the payment of Federal grants to States for pensions to the blind.

I am proud to say, Mr. President, that the State of Pennsylvania operates what many regard as the most enlightened blind pension system provided by any State in the country. The Pennsylvania plan—which has been in effect for about 15 years—is now financed exclusively by State funds. Not 1 penny of Federal money has gone to Pennsylvania for the payment of our pensions to the blind since 1938.

When we stop to consider that millions of dollars in Federal grants have gone out to other States to assist them in paying for blind pensions, I think it is most worth while to look into the reasons why Pennsylvania does not receive any Federal assistance for the operation of our blind pension system.

There is only one reason, Mr. President, Pennsylvania has established more liberal eligibility standards than those set forth under existing Federal legislation for grants to States for blind pensions. Thus, Pennsylvania has been denied any help from the Federal Government merely because Penn-

sylvania has chosen to be more generous than other States.

I do not think this is fair.

Under existing Federal legislation, grants for blind pensions are available only to States whose plans are limited in their operation to those blind people who meet a most stringent needs test. In other words, if a State wishes to establish a more liberal test of eligibility for its needy blind, the State is forced to support its entire program for the blind exclusively with its own funds.

I am happy to observe at this point that the present social-security bill liberalizes the needs test for the blind. But the changes recommended by the Senate Finance Committee are still not as liberal as those provided for eligibility under the Pennsylvania plan.

Now, Mr. President, I believe there is a perfectly straightforward solution to this difficulty. The solution is recognized in part by the action of the Senate Finance Committee in a committee amendment to the House bill—an amendment which will permit the administrator of the Federal program to approve grants to Pennsylvania and to the State of Missouri (which is in a comparable situation). This committee amendment would permit the use of Federal contributions for pensions going to persons whose incomes conform to the needs test under the Federal law. The committee amendment would further permit the State to provide other programs, financed entirely by the State, for those blind persons whose incomes are above the levels of the needs test set forth in the pending bill.

The committee proposal, however, would approve the plans of Missouri and Pennsylvania only until July 1, 1953, on the theory that the two States would thereafter be required to bring their entire pension systems into line with the minimum needs test of the Federal law—or would otherwise be required to support their blind-pension systems entirely with their own funds.

This date line of July 1, 1953, Mr. President, would merely force Pennsylvania back into precisely the position it is in at the present time. The State would have the alternative of abandoning its liberal system in order to get any further Federal aid—or, on the other hand, the State would be forced to return to the present method under which our program of assistance to the blind is supported without any Federal assistance.

To me, Mr. President, it is unjust indeed that a State should be penalized for operating a more liberal pension system than that set forth under Federal standards. I see no reason under the sun why Missouri, and Pennsylvania—and any other State for that matter, should not be permitted to conduct additional State programs for the blind which do not conflict with the operation of the Federal program. In this fashion, the Federal funds could go to the State for assistance in pensions for those blind persons who meet the needs test under the Federal law. At the same time—and these States cannot do this at the present time—the State would be free to operate its own system, entirely State supported, which provides pensions under a more liberal needs test.

My amendment, Mr. President, would make such an arrangement permanently possible in such States as Missouri and Pennsylvania. It would do so by the simple expedient of striking the terminal date of July 1, 1953, from the committee proposal I have already referred to.

In closing, Mr. President, I want to make it clear that my amendment will not mean that Missouri and Pennsylvania will receive more than their share under this Federal-grant program; in each instance, the grants will be limited to assistance in paying pension only to those who meet the Federal needs test, just as is done in all the other States. But, on the other hand, the States

will be permitted to carry out their own more liberal programs for the blind—provided they are willing to do so with their own funds.

So, Mr. President, I urge the Members of the Senate to give this amendment the most careful consideration, because I believe in justice to the liberal legislation now in effect in Missouri—and which has been in effect in Pennsylvania since 1935—that this change should be made.

Mr. MYERS. Mr. President, I also submit amendments intended to be proposed by me to the bill (H. R. 6000) to extend and improve the Federal old-age and survivors' insurance system, to amend the public-assistance and child-welfare provisions of the Social Security Act, and for other purposes, relating to residence requirement of 1 year as condition of eligibility in aid to the blind, and I ask unanimous consent that an explanatory statement of the amendment prepared by me be printed in the RECORD.

The VICE PRESIDENT. The amendments will be received, printed, and lie on the table, and, without objection, the statement will be printed in the RECORD.

The statement presented by Mr. MYERS is as follows:

#### STATEMENT BY SENATOR MYERS ON INTRODUCING AMENDMENT TO PROVIDE MAXIMUM RESIDENCE REQUIREMENT OF 1 YEAR AS CONDITION OF ELIGIBILITY IN AID TO BLIND

Mr. President, I am submitting a further amendment in connection with Federal grants to States for aid to the blind. My amendment seeks to restore a provision adopted by the House in passing H. R. 6000.

The substance of the House provision—and of my amendment—deals with the length of time a needy blind person must reside in a State in order to qualify for assistance. The provision adopted by the House established 1 year as a maximum period of residence necessary for eligibility.

This alters the present law under which a State may receive Federal aid, although requiring up to 5 years of residence as a condition of eligibility.

I might point out that the Advisory Council recommended that a State should not be permitted to impose any residence requirement, and had this to say:

"Residence and settlement laws result in unwarranted hardship for needy persons, not only because these laws are sometimes invoked by welfare administrators for the purpose of shipping back needy persons to the communities where they belong, but also because persons often lose their residence and settlement in the State in which they once had such status before they can acquire it in another. They belong nowhere under the statutes of the respective States.

"In our society, mobility of population is essential. Individuals should be free to move where jobs are available, and if, as a result of illness or other misfortune, they become needy, they should not be denied assistance because they have crossed State or county lines. We believe that residence and settlement provisions are socially unjustifiable."

In view of the fact that a majority of the States have eligibility requirements of a year or less, I believe my amendment is consistent with our general thinking and that this change will bring about a more just provision for aid to our needy blind citizens.

My amendment, therefore, would amend title X, effective July 1, 1951, to preclude approval of any plan for aid to the blind which imposes as a condition of eligibility a residence requirement of more than 1 year of continuous residence in a State prior to the date of application. It provides, however, that a State may impose, until July 1, 1951,







# TO AMEND THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

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## HEARINGS

BEFORE THE

EXECUTIVE AND LEGISLATIVE REORGANIZATION  
SUBCOMMITTEE OF THE

COMMITTEE ON EXPENDITURES IN THE  
EXECUTIVE DEPARTMENTS

HOUSE OF REPRESENTATIVES

EIGHTY-FIRST CONGRESS

SECOND SESSION

ON

H. R. 7545, H. R. 8353, H. R. 8416,

H. R. 8890, and H. R. 9129

BILLS TO AMEND THE FEDERAL PROPERTY AND  
ADMINISTRATIVE SERVICES ACT OF 1949,  
AND FOR OTHER PURPOSES

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JUNE 27, 28, 29, AND JULY 14, 1950

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Printed for the use of the Committee on Expenditures  
in the Executive Departments



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# TO AMEND THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

TUESDAY, JUNE 27, 1950

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE OF THE COMMITTEE ON  
EXPENDITURES IN THE EXECUTIVE DEPARTMENTS,  
Washington, D. C.

The subcommittee met at 10:00 o'clock a. m., pursuant to call, in Room 1501, New House Office Building, Hon. Chet Holifield, chairman of the subcommittee, presiding.

Mr. HOLIFIELD. The subcommittee will come to order.

This morning we begin the hearing of the Subcommittee on Reorganization of the Executive Branch on H. R. 8416, in conjunction with companion bills H. R. 7545, and H. R. 8353. The purpose of this bill is to amend Public Law 152 and to provide for implementation of the Records Management provisions of Public Law 152 and other amendments which have been suggested to the law.

(H. R. 7545, H. R. 8353, H. R. 8890, H. R. 8416, and H. R. 9129 follow:)

[H. R. 7545, 81st Cong., 2d sess.]

A BILL To amend the Federal Property and Administrative Services Act of 1949, approved June 30, 1949

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SHORT TITLE

That this Act may be cited as "The Federal Records Management Act of 1950".

## TABLE OF CONTENTS

That the Federal Property and Administrative Services Act of 1949, approved June 30, 1949, be and hereby is amended by—

(1) Changing title V in the table of contents to read as follows:

### "TITLE VI—GENERAL PROVISIONS

- "Sec. 601. Applicability of existing procedures.
- "Sec. 602. Repeal and saving provisions.
- "Sec. 603. Authorization for appropriations.
- "Sec. 604. Separability.
- "Sec. 605. Effective date."

(2) Inserting at the proper place in the table of contents the following:

### "TITLE V—FEDERAL RECORDS

- "Sec. 501. Organization.
- "Sec. 502. Current records management.
- "Sec. 503. Disposal of records.
- "Sec. 504. Archival management.
- "Sec. 505. Federal Register.
- "Sec. 506. Franklin D. Roosevelt Library.
- "Sec. 507. National Archives Trust Fund Board.
- "Sec. 508. General provisions."

(3) Redesignating "Title V—General Provisions", as "Title VI—General Provisions", and by changing the section numbers thereof from 501, 502, 503, 504, and 505, respectively, to 601, 602, 603, 604, and 605, respectively.

(4) Eliminating the word "and" preceding "(2)" in subsection (d) of section 3, substituting a semicolon for the period at the end of said subsection, and adding the following language: "and (3) records of the Federal Government".

(5) Striking out the roman numeral "V" at the end of line 10 of section 102 (a) and inserting in lieu thereof the roman numeral "VI".

(6) Striking out all the language following the comma after the roman numeral "III" in the last line of section 208 (a) and inserting in lieu thereof the following: "V, and VI of this Act,".

(7) Striking out the language following the comma after the roman numeral "III" through the word "Act" in the second line of section 208 (b) and inserting in lieu thereof the following: "V, and VI of this Act".

(8) Striking out the word "and" at the end of section 602 (a) (30), changing the period at the end of section 602 (a) (31) to a colon, and adding the following subsections:

"(32) the Act entitled 'An Act to establish a National Archives of the United States Government and for other purposes', approved June 19, 1934 (48 Stat. 1122-1124; 44 U. S. C. 300f, 300g, 300h, 300i, 300k);

"(33) the Act entitled 'An Act to amend section 8 of the Act entitled "An Act to establish a National Archives of the United States Government and for other purposes", approved June 22, 1936 (49 Stat. 1821-1822; 44 U. S. C. 300h);

"(34) the Act entitled 'An Act to amend the Act entitled "An Act to establish a National Archives of the United States Government, and for other purposes", approved March 3, 1948 (62 Stat. 58; 44 U. S. C. 300c, 300f-1, 300h-1);

"(35) the Act entitled 'An Act to amend section 10 of the Act entitled "An Act to establish a National Archives of the United States Government, and for other purposes", approved June 8, 1948 (62 Stat. 344; 44 U. S. C. 300i);

"(36) the Act entitled 'An Act to amend the Act of June 19, 1934, providing for the establishment of the National Archives, so as to provide that certain fees collected by the Archivist shall be available for disbursement in the interest of the National Archives', approved June 25, 1948 (62 Stat. 1026; 44 U. S. C. 300h);

"(37) the Act entitled 'An Act to provide for the disposal of certain records of the United States Government', approved July 7, 1943 (57 Stat. 380-383; 44 U. S. C. 366-380);

"(38) the Act entitled 'An Act to amend the Act to provide for the disposal of certain records of the United States Government', approved July 6, 1945 (59 Stat. 434; 44 U. S. C. 366-380);

"(39) the Act cited as the 'National Archives Trust Fund Board Act', approved July 9, 1941 (55 Stat. 581; 44 U. S. C. 300aa-300ii);

"(40) the Act cited as the 'Federal Register Act', approved July 26, 1935 (49 Stat. 500-503, as amended; 44 U. S. C. 301-314; and

"(41) sections 203, 204, 205, 206, 207, 208, and 209 of the joint resolution entitled 'Joint resolution to provide for the establishment and maintenance of the Franklin D. Roosevelt Library, and for other purposes', approved July 18, 1939 (53 Stat. 1062-1066)."

(9) Changing the period at the end of section 603 (a) to a comma and adding the following: "including—

"(1) such sums as may be necessary to enable the head of each agency to appoint staff assistants for records matters in order to enable him to discharge efficiently the responsibilities imposed upon him by the provisions of title V of this Act;

"(2) the expenses of the Federal Register, the Franklin D. Roosevelt Library, and the members of the Board of Trustees of the Franklin D. Roosevelt Library, as well as the costs of necessary clerical assistance for the Board; printing and binding; personal services in the District of Columbia and elsewhere; a health service program; travel and subsistence and per diem in lieu of subsistence, notwithstanding the provisions of any other acts; purchase and exchange of books and maps; payment in advance when authorized by the Administrator for library memberships in societies whose publications are available to members only or to members at a price lower than to the general public; purchase, exchange, and operation of motor vehicles; and all absolutely necessary contingent expenses, are to be expended

under the direction of the Administrator, who shall annually submit to Congress estimates therefor in the manner prescribed by law".

(10) Adding a new subsection to section 603 to read as follows:

"(c) The cost of printing, reprinting, wrapping, binding, and distributing the Federal Register and any other expenses incurred by the Government Printing Office in carrying out the duties placed upon it by section 505 of this Act shall be borne by the appropriation to the Government Printing Office and such appropriations are hereby made available, and are authorized to be increased by such additional sums as are necessary for such purposes, such increases to be based upon estimates submitted by the Public Printer."

(11) Striking out the language "section 502 (a) (2)" in line 2 of section 605 and inserting in lieu thereof the language "section 602 (a) (2)"; and

(12) Inserting a new title following section 404 to provide for the creation, preservation, management and disposal of records of the United States Government, for the custody of Federal proclamations, orders, regulations, notices, and other documents and for the prompt and uniform printing and distribution thereof, and for other purposes to read as follows:

#### "TITLE V—FEDERAL RECORDS ORGANIZATION

"(a) The Administrator shall have immediate custody and control of the National Archives Building, the Franklin D. Roosevelt Library Building (except as otherwise provided in section 506 (d) of this title), and such other buildings, grounds, and equipment as may from time to time become a part of the National Archives and Records Service, and he shall also have authority to design, construct, purchase, and lease buildings for the National Archives and Records Service an to maintain, operate, protect, and improve any such buildings used by him for the storage of records in the District of Columbia and elsewhere.

"(b) There is hereby created a National Archives Council, the expenses of which are authorized to be paid by the Administrator, composed of six representatives of the executive branch of the Government to be appointed by the President, one Member of the United States Senate to be appointed by the President of the Senate, one Member of the House of Representatives to be appointed by the Speaker of the House, two representatives of the judicial branch of the Government to be appointed by the Chief Justice of the United States, the Librarian of Congress, and the Archivist who shall be its Chairman. Members shall serve without compensation except repayment of expenses actually incurred in attending meetings of the Council, which shall be on call of the Chairman. The Council shall meet at least once annually.

"(c) The said Council shall formulate regulations, not inconsistent with the provisions of this title. It shall be the duty of the Administrator to enforce these regulations. Said regulations shall—

"(1) establish classes of records eligible for transfer to the National Archives;

"(2) govern the transfer of records to the National Archives, of records from the custody of one agency to that of another, of records deposited or approved for deposit in the National Archives to public or educational institutions or associations, and of records to the National Archives from authorized private sources;

"(3) govern methods for the disposal of records authorized for disposal;

"(4) govern methods to be utilized by the Administrator or his deputies in the inspection of records, the use of which is restricted for reasons of national security;

"(5) establishing standards for the reproduction of records by photographic, microphotographic, or other processes for the purpose of disposing of the original records;

"(6) govern the withdrawal by the Administrator of disposal authorizations covering records listed in disposal schedules approved by Congress;

"(7) govern the duration of statutory and other restrictions on the use of specific bodies of official records of the Government deposited in the National Archives; and

"(8) establish safeguards against the removal or loss of records, and such regulations, when promulgated by the Council and approved by the Administrator, shall be binding on all agencies of the Government.

"The Council shall also advise the Administrator with respect to any matters relating to Federal records that he may refer to it.



"(d) There is hereby created a National Historical Publications Commission, the expenses of which are hereby authorized to be paid by the Administrator, which shall consist of the Archivist, or an alternate designated by him, who shall be its Chairman, the Librarian of Congress, or an alternate designated by him, one Member of the United States Senate to be appointed by the President of the Senate, one Member of the House of Representatives to be appointed by the Speaker of the House, one representative of the judicial branch of the Government to be appointed by the Chief Justice of the United States, two members of the American Historical Association appointed by the President thereof from those persons who are or have been members of the Executive Council of the said Association and two other members outstanding in the fields of the social or physical sciences to be appointed by the President of the United States. Members, other than the Archivist and the Librarian of Congress, shall be appointed for terms ending January 1, 1954, and for 4-year terms thereafter. Any vacancy in the membership of the Commission shall be filled in the same manner in which the original appointment was made. Members employed by and representing the Government shall serve without additional compensation as members of the Commission. Members representing the public shall be paid in accordance with the provisions of section 208 (b) of title II of this Act. All members shall be reimbursed for expenses actually incurred in attending meetings of the Commission. The Commission shall meet annually and on call of the Chairman.

"(e) The said Commission shall make plans, estimates, and recommendations for such historical works and collections of sources as seem appropriate for printing or otherwise recording at the public expense. The Chairman of the Commission shall transmit to the Administrator, from time to time, such plans, estimates, and recommendations as have been approved by the Commission.

"(f) The Administrator shall transmit to Congress at the beginning of each regular session a report of the said Commission for the preceding fiscal year.

#### "CURRENT RECORDS MANAGEMENT

"SEC. 502. (a) The Administrator—

"(1) shall make provisions for the economical and efficient management of records of agencies of the Government—

"(a) by analyzing, developing, promoting, and coordinating standards, procedures, and techniques designed to improve the management of current records, to insure the maintenance and retention of records deemed appropriate for permanent preservation, and to facilitate the segregation and disposal of valueless records; and

"(b) by promoting the efficient and economical utilization of space, equipment, and supplies needed for the purpose of creating, maintaining, storing, and servicing records;

"(2) shall establish standards for the selective retention of permanently valuable records, and assist agencies in applying such standards to records in their custody; and shall notify the head of any agency of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of such agency that shall come to his attention, and assist the head of such agency in initiating action for the recovery of such records as shall have been unlawfully removed and for such other redress as may be provided by law;

"(3) shall have charge and superintendence of all records belonging to the Government of the United States (legislative, executive, judicial, and other) to this extent: He shall have full power to inspect or survey personally or by deputy the records of any agency of the United States Government, as well as to make or coordinate surveys of records management and records disposal practices in such agencies, and shall be given the full cooperation of officials and employees of agencies in such inspections and surveys, and to requisition for transfer to the National Archives such classes of archives or records as the National Archives Council shall define for such transfer: *Provided*, That such inspections or surveys of records, the use of which is restricted for reasons of national security, shall be made in accordance with regulations promulgated by the National Archives Council;

"(4) is authorized to establish, maintain, and operate records centers for the storage, processing, and servicing of records pending their deposit in the National Archives or their disposition in any other manner authorized by law, and to transfer such records thereto;

"(5) is authorized to direct and effect the transfer, in accordance with regulations promulgated by the National Archives Council, whenever it appears to him to be in the public interest, of records from the custody of one agency to that of another; and

"(6) may by regulation authorize any or all executive agencies to make and to rent or sell, subject to such limitations as he may prescribe therein, to interested persons, concerns, or institutions, reproductions of official current records in their custody, including, but not limited to, papers;

Manuscripts, documents, books, photographs, lantern slides, motion-picture films, and sound reproductions, that are not exempt from examination by statutory or other restrictions, to the extent consistent with National Security as determined, and at such prices and fees (not less than the estimated cost thereof) as may be prescribed by the head of the executive agency having custody; and all proceeds of such sales or rentals shall be covered into the Treasury as miscellaneous receipts except as otherwise provided by law.

"(b) The head of each agency—

"(1) shall cause to be made and preserved records that will contain adequate and proper evidence on the organization, functions, policies, decisions, procedures, and essential transactions of the agency of which he is the head, and that will contain all information necessary to protect the legal and financial rights of the Government and of the people whose rights are directly affected by the agency's activities;

"(2) shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency of which he is head—

"(a) by providing effective controls over the creation, maintenance, and use of records needed in the conduct of current business;

"(b) by cooperating with the Administrator in applying standards, procedures, and techniques designed to improve the management of current records, to insure the maintenance and retention of records deemed appropriate for permanent preservation, and to facilitate the segregation and disposal of valueless records; and

"(c) by insuring conformance within the agency to the provisions of this title and regulations issued thereunder,

"(3) shall provide, whenever economies can be effected thereby, for the storage, processing, and servicing of records in records centers: *Provided*, That he may establish and operate such records centers only with the concurrence of the Administrator;

"(4) shall establish such safeguards against the removal or loss of records as he shall determine necessary or as may be required by regulations of the National Archives Council;

"(5) as well as any other official of the Government, who is authorized to certify to facts on the basis of records in his custody, is hereby authorized to certify to facts on the basis of records that have been transferred by him or his predecessors to the National Archives and Records Service;

"(6) shall cause to be made known to all officials and employees of the agency (1) that no records in the custody of the agency shall be alienated or destroyed except in accordance with the provisions of section 503 of this title, and (2) the penalties provided by law for the unlawful removal or destruction of records; and

"(7) shall notify the Attorney General of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency of which he is the head that shall come to his attention, and shall initiate action through the Attorney General for the recovery of records he knows or has reason to believe have been unlawfully removed from his agency, or from any other agency whose records have been transferred to his legal custody.

#### "DISPOSAL OF RECORDS

"SEC. 503. (a) The Administrator—

"(1) shall submit to Congress, from time to time, the lists or schedules submitted to him in accordance with the provisions of subsection (c) of this section, or parts of such lists or schedules, and lists or schedules of any records in the custody of the National Archives and Records Service insofar as it shall appear to him after appraisal of the records listed in such lists or schedules that they do not, or will not after the lapse of the period

specified, have sufficient value to warrant their continued preservation by the United States Government: *Provided*, That the Administrator shall not submit to Congress lists or schedules proposing the disposal of records of any existing agency, including its predecessors, of the Government in the custody of the National Archives and Records Service without first having obtained the written consent of the head of such agency: *And provided further*, That should no such lists or schedules be submitted to Congress by the Administrator for any period of three months' duration while Congress is in session, the Administrator shall report to Congress that no such lists or schedules were submitted to him by agencies during such a period or otherwise explain his failure to submit such lists and schedules during such a period;

"(2) shall prepare and submit general schedules to Congress from time to time, together with recommendations of the National Archives Council with respect thereto;

"(3) shall notify the agency or agencies having records in their custody that are listed in a list, schedule, or general schedule of the action of the Congress taken with respect to such lists, schedules, or general schedules;

"(4) may empower an agency, upon the submission of evidence of need therefor, to retain records for a longer period than that specified in schedules approved by Congress, and in accordance with regulations promulgated by the National Archives Council, may withdraw disposal authorizations covering records listed in disposal schedules approved by Congress;

"(5) may empower an agency or agencies to dispose of records in accordance with regulations promulgated by the National Archives Council that have been covered by a list, schedule, or general schedule submitted to Congress by the Administrator whenever the Congress fails to act during any regular or special session on such list, schedule, or general schedule: *Provided*, That such list, schedule, or general schedule was submitted to the Congress by the Administrator not less than ten days prior to the adjournment of such session;

"(6) may cause the elimination immediately by whatever method he may deem necessary of any records in the custody of an agency which the Administrator and the head of the agency jointly determine to be a continuing menace to human health or life or to property. If any records in the National Archives and Records Service are disposed of under this section, the Administrator shall report the disposal thereof to the agency from which they were transferred.

"(b) At any time during the existence of a state of war between the United States and any other nation, or when hostile action by a foreign power appears imminent, or in case of serious domestic violence in a foreign country, any responsible official of the United States Government may authorize the destruction of any records in his immediate custody situated in any embassy, legation, consulate, Military or Naval Establishment, ship, or other depository outside the territorial limits of continental United States, (1) the retention of which would be prejudicial to the interests of the United States or (2) which occupy space urgently needed for military purposes and are, in his opinion, without sufficient value to warrant their continued preservation: *Provided*, That within six months after the disposal of any such records, the head of the agency shall submit a written report thereon to the Administrator in which he shall describe the character of such records and state when and where the disposal thereof was accomplished. The Administrator shall submit a report to Congress at the beginning of each regular session as to records disposed of under the provisions of this subsection.

"(c) The head of each agency—

"(1) shall submit to the Administrator lists or schedules proposing the disposal of records in his custody in accordance with regulations promulgated by the National Archives Council;

"(2) shall not dispose of records pertaining to claims and demands by the Government of the United States or against it, or to any account in which the Government of the United States is concerned, either as debtor or creditor, until such claims, demands, and accounts have been settled and adjusted in the General Accounting Office, except upon the written approval of the Comptroller General of the United States;

"(3) shall cause the disposal of records in accordance with regulations promulgated by the National Archives Council that are described in lists or schedules authorized for disposal by the Congress: *Provided*, That au-



thorizations covering records in general schedules shall be permissive and not mandatory; and

"(4) shall pay into the Treasury of the United States all moneys derived from the sale of records authorized for disposal under provisions of this section unless otherwise required by existing law applicable to the agency.

"(d) Whenever the Administrator shall submit lists, schedules, or general schedules to Congress, it shall be the duty of the presiding officer of the Senate to appoint two Senators who, with the members of the Subcommittee on the Disposition of Executive Papers of the Committee on House Administration, shall constitute a joint committee to which all such lists, schedules, and general schedules shall be referred, and the joint committee shall examine such lists, schedules, or general schedules and submit to the Senate and the House of Representatives, respectively, a report of such examination and its recommendations. If the joint committee reports that any of the records listed in a list, schedule, or general schedule referred to it do not, or will not after the lapse of the period specified, have sufficient value to warrant their continued preservation by the Government, the report of the joint committee shall constitute authorization to dispose of the records in accordance with regulations promulgated by the National Archives Council.

"(e) The procedures prescribed in this section are exclusive and no records of the Government may be alienated or destroyed except in accordance with the provisions of this section.

#### "ARCHIVAL MANAGEMENT

"SEC. 504. (a) The Administrator—

"(1) is hereby authorized to direct and effect the transfer, whenever it appears to him to be in the public interest, in accordance with regulations promulgated by the National Archives Council—

"(a) of records falling within the classes eligible for transfer established in regulations promulgated by the National Archives Council, from the custody of an agency to the National Archives, unless the head of the agency certifies that such records are needed in the conduct of the current business of the agency;

"(b) of records deposited, or approved for deposit, in the National Archives to public or educational institutions or associations; *Provided*, That the title to such records shall remain vested in the Administrator unless otherwise authorized by Congress; and

"(c) of records and other materials from private sources authorized to be received by the National Archives by the provisions of subsection (5) (b) of this section;

"(2) shall administer and make regulations for the custody, use, and withdrawal of records transferred to the National Archives and Records Service; *Provided*, That whenever any records the use of which is subject to statutory limitations and restrictions are transferred to the National Archives and Records Service, permissive and restrictive statutory provisions with respect to the examination and use of such records applicable to the head of the agency having custody of them or to employees of that agency shall thereafter likewise be applicable to the Administrator, the Archivist, and to the employees of the National Archives and Records Service, respectively; *And provided further*, That whenever the head of any agency shall specify in writing restrictions on the use or examination of records being considered for transfer from his custody to the National Archives and Records Service that appear to him to be necessary or desirable in the public interest, the Administrator shall impose such restrictions on the records that are transferred to the National Archives and Records Service, and restrictions so imposed shall not be removed or relaxed by the Administrator without the concurrence in writing of the head of the agency from which the material shall have been transferred unless the existence of that agency shall have been terminated; *Provided, however*, That statutory and other restrictions referred to in the provisos of this subsection shall not remain in force or effect after the records have been in existence for fifty years unless the National Archives Council by resolution shall determine with respect to specific bodies of records that such restrictions shall remain in force and effect for a shorter or a longer period; *And provided further*, That restrictions on the use or examination of records deposited with the National Archives heretofore imposed and now in force and effect under the terms



of section 3 of the National Archives Act, approved June 19, 1934, shall continue in force and effect regardless of the expiration of the tenure of office of the official who imposed them but may be removed or relaxed by the Administrator with the concurrence in writing of the head of the agency from which the material has been transferred or by the Administrator alone if the existence of that agency shall have been terminated;

"(3) shall make provisions for the preservation, arrangement, repair and rehabilitation, duplication and reproduction (including microcopy publications), description, and exhibition of records in the National Archives and Records Service as may be needful or appropriate, including the preparation and publication of inventories, indexes, catalogs, and other finding aids or guides facilitating their use; and, when approved by the National Historical Publications Commission, he may also publish such collections of sources and historical works as seem appropriate for printing or otherwise recording at the public expense;

"(4) shall make such provisions and maintain such facilities as he deems necessary or desirable for servicing records in the National Archives and Records Service that are not exempt from examination by statutory provisions or other restrictions, in accordance with regulations established by him;

"(5) may accept for deposit in the National Archives—

"(a) the personal papers and other historical documentary materials of the present President of the United States, his successors, heads of executive departments, and such other officials of the Government as the President may designate, offered for deposit with the National Archives of the United States under restrictions respecting their use specified in writing by the prospective depositors: *Provided*, That restrictions so specified on such materials, or any portions thereof, accepted by the Administrator for such deposit shall have force and effect during the lifetime of the depositor or for a period not to exceed twenty-five years, whichever is longer, unless sooner terminated in writing by the depositor or his legal heirs: *And provided further*, That the Administrator determines that the materials accepted for such deposit will have continuing historical or other values;

"(b) and preserve records, including motion-picture films, still pictures, sound recordings, and other documentary materials, from private sources, that are appropriate for preservation by the Government as evidence of its organization, functions, policies, decisions, procedures and transactions;

"(6) is hereby authorized to make and preserve motion-picture films, still pictures, and sound recordings pertaining to and illustrative of the historical development of the United States Government and its activities, and to make necessary provisions for preparing, editing, titling, scoring, processing, duplicating, reproduction, exhibiting, and releasing motion-picture films, still pictures, and sound recordings in his custody.

"(b) (1) The National Archives shall have an official seal which shall be judicially noticed. The Administrator may charge a fee not in excess of 10 per centum above the costs or expenses for making or authenticating copies or reproductions of materials deposited in the National Archives and Records Service. All such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund provided for in section 507 of this title. When any such copy or reproduction furnished under the terms hereof is authenticated by the official seal of the National Archives and certified by the Administrator or his delegate, or in his or his delegatee's name attested by any duly designated official or employee of the National Archives and Records Service, it shall be admitted in evidence equally with the original from which it was made.

"(2) The Administrator may designate as depository archives such State or other archival institutions in the United States and its Territories as he may deem to be proper, and distribute to designated depository archives and to libraries designated in accordance with law as depository libraries, or to such of them as he may deem appropriate, copies of microfilm reproductions of records in his custody that constitute important source materials or that contain information concerning the social, economic, political, and cultural development of the United States, the dissemination of which is deemed by him to be desirable and in the public interest.

"(3) With respect to letters and other intellectual productions in the custody or possession of the National Archives and Records Service, neither the United

States nor its agents shall be liable for any infringement of literary property rights or analogous rights arising out of use of such materials for display, inspection, research, reproduction, or other purposes.

"FEDERAL REGISTER

"SEC. 505. (a) The Administrator is charged with the custody and, together with the Public Printer, with the prompt and uniform printing and distribution of the documents required or authorized to be published under subsection (d) of this section.

"(b) The original and two duplicate originals or certified copies of any document required or authorized to be published under subsection (d) of this section shall be filed with the Administrator. The Administrator shall cause to be noted on the original and duplicate originals or certified copies of each document the day and hour of filing thereof: *Provided*, That when the original is issued, prescribed, or promulgated outside of the District of Columbia and certified copies are filed before the filing of the originals, the notation shall be of the day and hour of filing of the certified copies. Upon such filing, at least one copy shall be immediately available for public inspection. The original shall be deposited with and retained in the National Archives and shall be available for inspection under regulations to be prescribed by the Administrator. The Administrator shall transmit immediately to the Government Printing Office for printing, as provided in this section, one duplicate original or certified copy of each document required or authorized to be published under subsection (d) of this section. Every agency shall cause to be transmitted for filing as herein required the original and the duplicate originals or certified copies of all such documents issued, prescribed, or promulgated by the agency.

"(c) All documents required or authorized to be published under subsection (d) of this section shall be printed and distributed forthwith by the Government Printing Office in a serial publication designated the 'Federal Register'. It shall be the duty of the Public Printer to make available the facilities of the Government Printing Office for the prompt printing and distribution of the Federal Register in the manner and at the times required in accordance with the provisions of this section and the regulations prescribed hereunder. The contents of the daily issues shall be indexed and shall comprise all documents, required or authorized to be published, filed with the Administrator up to such time of the day immediately preceding the day of distribution as shall be fixed by regulations hereunder. There shall be printed with each document a copy of the notation, required to be made under subsection (b) of this section, of the day and hour when, upon filing with the Administrator, such document was made available for public inspection. Distribution shall be made by delivery or by deposit at a post office at such time in the morning of the day of distribution as shall be fixed by such regulations prescribed hereunder. The prices to be charged for the Federal Register or special editions thereof may be fixed by the Administrative Committee of the Federal Register established by subsection (e) of this section without reference to the restrictions placed upon and fixed for the sale of Government publications by section 1 of the Act of May 11, 1922, and section 307 of the Act of June 30, 1932 (U. S. C., title 44, secs. 72 and 72a), and any amendments thereto.

"(d) (1) There shall be published in the Federal Register (a) all Presidential proclamations and Executive orders; (b) such documents or classes of documents as the President shall determine from time to time have general applicability and legal effect; and (c) such documents or classes of documents as may be required so to be published by Act of the Congress: *Provided*, That for the purposes of this section, every document or order which shall prescribe a penalty shall be deemed to have general applicability and legal effect.

"(2) In addition to the foregoing, there shall also be published in the Federal Register such other documents or classes of documents as may be authorized to be published pursuant hereto by regulations prescribed hereunder with the approval of the President, but in no case shall comments or news items of any character whatsoever be authorized to be published in the Federal Register.

"(e) There is established a permanent Administrative Committee of the Federal Register of three members consisting of the Archivist, the Attorney General, and the Public Printer, or their duly designated representatives. The Administrator or his designated representative shall be chairman of the committee and the Administrator shall designate a secretary of the committee. The committee shall prescribe, with the approval of the President, regulations for



carrying out the provisions of this section. Such regulations shall provide, among other things, (1) the manner of certification of copies required to be certified under subsection (b) of this section, which certification may be permitted to be based upon confirmed communications from outside of the District of Columbia; (2) the documents which shall be authorized pursuant to subsection (d) (2) of this section to be published in the Federal Register; (3) the manner and form in which the Federal Register shall be printed, reprinted, compiled, indexed, bound, and distributed; (4) the number of copies of the Federal Register which shall be printed, reprinted, and compiled, the number which shall be distributed without charge to Members of Congress, officers and employees of the United States, or any agency for their official use, and the number which shall be available for distribution to the public; and (5) the prices to be charged for individual copies of, and subscriptions to, the Federal Register and reprints and special editions thereof.

"(f) No document required under subsection (d) (1) of this section to be published in the Federal Register shall be void as against any person who has not had actual knowledge thereof until the duplicate originals or certified copies of the document shall have been filed with the Administrator and a copy made available for public inspection as provided in subsection (b); and, unless otherwise specifically provided by statute, such filing of any document, required or authorized to be published under subsection (d), shall, except in cases where notice by publication is insufficient in law, be sufficient to give notice of the contents of such document to any person subject thereto or affected thereby. The publication in the Federal Register of any document shall create a rebuttable presumption (1) that it was duly issued, prescribed, or promulgated; (2) that it was duly filed with the Administrator and made available for public inspection at the day and hour stated in the printed notation; (3) that the copy contained in the Federal Register is a true copy of the original; and (4) that all requirements of this section and the regulations prescribed hereunder relative to such document have been complied with. The contents of the Federal Register shall be judicially noticed and, without prejudice to any other mode of citation, may be cited by volume and page number.

"(g) Whenever notice of hearing or of opportunity to be heard is required or authorized to be given by or under an Act of the Congress, or may otherwise properly be given, the notice shall be deemed to have been duly given to all persons residing within the continental United States (not including Alaska), except in cases where notice by publication is insufficient in law, if said notice shall be published in the Federal Register at such time that the period between the publication and the date fixed in such notice for the hearing or for the termination of the opportunity to be heard shall be (1) not less than the time specifically prescribed for the publication of the notice by the appropriate Act of the Congress; or (2) not less than fifteen days when no time for publication is specifically prescribed by the Act, without prejudice, however, to the effectiveness of any notice of less than 15 days where such shorter period is reasonable.

"(h) Every payment made for the Federal Register shall be covered into the Treasury as a miscellaneous receipt. Copies of the Federal Register mailed by the Government shall be entitled to the free use of the United States mails in the manner prescribed by law. The cost of mailing the Federal Register to officers and employees of agencies in foreign countries shall be borne by the respective agencies.

"(i) The limitations upon the effectiveness of documents required, under subsection (d) (1) of this section, to be published in the Federal Register shall not be operative as to any document issued, prescribed, or promulgated prior to the date when such document was first required by the Federal Register Act of July 26, 1935, or by subsequent Act of the Congress or by Executive order, to be published in the Federal Register.

"(j) (1) The Administrator shall supervise and coordinate the form, style, arrangement, codification, and indexing of all documents required or authorized to be published in the Federal Register which are of general application and future effect and designed to implement, interpret, or prescribe law or policy or to describe procedure or practice requirements. The Administrator shall maintain the publication of the Code of Federal Regulations as a special edition of the Federal Register by incorporating such of these documents as are of a permanent nature in the 1949 edition or subsequent editions thereof pursuant to regulations prescribed under the authority of subsection (j) (3) of this section.

"(2) The codified documents published in the special edition of the Federal Register pursuant to the provisions of subsection (j) (3) of this section shall be prima facie evidence of the text of the original documents and of the fact that, as amended by documents subsequently filed with the Administrator and published in the daily issues of the Federal Register, they are in full force and effect. The contents of the special editions shall be judicially noticed and, without prejudice to any other mode of citation, may be cited by title and section number.

"(3) The Administrative Committee of the Federal Register shall prescribe, with the approval of the Administrator, regulations for carrying out the provisions of this section. Such regulations shall provide, among other things, the manner and form in which the Code of Federal Regulations or individual volumes thereof shall be printed, reprinted, supplemented, and revised: *Provided*, That a complete new edition shall not be published oftener than once in each five years.

"(k) Nothing in this section shall be construed to apply to treaties, conventions, protocols, and other international agreements, or proclamations thereof by the President.

"(l) When used in this section, unless the context otherwise requires—

"(1) the term 'document' means any Presidential proclamation or Executive order and any order, regulation, rule, certificate, code of fair competition, license, notice, or similar instrument issued, prescribed, or promulgated by an agency;

"(2) the term 'agency' means the President of the United States, or any executive department, independent board, establishment, bureau, institution, commission, or separate office of the executive branch of the Government of the United States but not the legislative or judicial branches of the Government;

"(3) the term 'person' means any individual, partnership, association, or corporation; and

"(4) the term 'duplicate original' means a signed identical copy of the original.

"FRANKLIN D. ROOSEVELT LIBRARY

"SEC. 506. (a) The Administrator is authorized to accept for the Franklin D. Roosevelt Library from the estate of the donor or his heirs such collections of historical material related to the material heretofore donated by Franklin D. Roosevelt as shall be donated by the estate of the donor or his heirs. The Administrator may also acquire for the said Library from other sources, by gift, purchase, or loan, historical books related to and other historical material contemporary with and related to the historical material heretofore acquired from the donor or heretofore or hereafter acquired from the estate of the donor or his heirs. The historical material acquired under this section shall be permanently housed in the Franklin D. Roosevelt Library: *Provided*, That the Administrator may temporarily remove any of such material from the said Library when he deems it to be necessary: *And provided further*, That the Administrator may dispose of any duplicate printed material or any other material in the said Library which appears to have no permanent value or historical interest by sale, exchange, or otherwise. The proceeds of any sale made under this subsection shall be paid into the special account provided for in subsection (c) (4) of this section to be held, administered, and expended in accordance with the provisions of that subsection.

"(b) The faith of the United States is pledged that the United States will provide such funds as may be necessary for the upkeep of the said Library and the administrative expenses and cost thereof, including the preservation and care of historical material acquired under this section, so that the said Library shall be at all times properly maintained.

"(c) (1) A board to be known as the Trustees of the Franklin D. Roosevelt Library (hereinafter referred to as the 'Board') is hereby established. The Archivist, who shall be Chairman of the Board, and the Secretary of the Treasury shall be ex officio members of the Board. There shall also be five members of the Board appointed by the President for life, but the President may remove any such member for cause. Vacancies on the Board shall be filled by the President. Membership on this Board shall not be deemed to be an office within the meaning of the Constitution and statutes of the United States.

"(2) No compensation shall be paid to the members of the Board for their services as such members, but they shall be allowed their necessary expenses



incurred in the discharge of their duties under this section. The certificate of the Chairman of the Board shall be sufficient evidence that the expenses are properly allowable.

"(3) The Board is hereby authorized to accept and receive gifts and bequests of personal property and to hold and administer the same as trust funds for the benefit of the Franklin D. Roosevelt Library. The moneys or securities composing trust funds given or bequeathed to the Board shall be received for by the Secretary of the Treasury who shall invest, reinvest, and retain investments as the Board may from time to time determine: *Provided, however*, That the Board is not authorized to engage in any business nor to exercise any voting privilege which may be incidental to securities in such trust funds, nor shall the Secretary of the Treasury make any investments for the account of the Board which could not lawfully be made by a trust company in the District of Columbia, except that he may make any investment directly authorized by the instrument of gift under which the funds to be invested are derived, and may retain any investments accepted by the Board.

"(4) The income from any trust funds held by the Board, as and when collected, shall be deposited with the Treasurer of the United States, who shall enter it in a special account to the credit of the Franklin D. Roosevelt Library and subject to disbursement by the Archivist except where otherwise restricted by the instrument of gift, for and in the interest of the Franklin D. Roosevelt Library, its collections, or its services, including but not restricted to the purchase of equipment; the preparation and publication of guides, inventories, calendars, and textual reproduction, and the preparation of duplicates and reproductions, of material in the said Library; and the purchase, under subsection (a) of this section, of historical material for the said Library. The Administrator or the Public Printer may make sales of any publications or duplicates and reproductions authorized by this subsection at a price which will cover their cost and 10 per centum added, and all moneys received from such sales shall be paid into, administered, and expended as a part of the special account herein provided for.

"(5) Unless otherwise restricted by the instrument of gift, the Board, by resolution duly adopted, may authorize the Archivist to use the principal of any gift or bequest made to it for any of the purposes mentioned in subsection (c) (4) hereof.

"(6) The Board shall have all the usual powers of a trustee in respect to all funds administered by it, but the members of the Board shall not be personally liable, except for misfeasance. In the administration of such trust funds the actions of the Board, including any payments made or authorized to be made by it from such funds, shall not be subject to review or attack except in an action brought in the United States District Court for the District of Columbia, which is hereby given jurisdiction of such suits, for the purpose of enforcing the provisions of any trust accepted by the Board.

"(d) The Secretary of the Interior shall be responsible for the care, maintenance, and protection of the buildings and grounds of the Franklin D. Roosevelt Library in the same manner and to the same extent as the Administrator is responsible for the Department of Justice building and certain other public buildings in the District of Columbia not occupied by the General Services Administration. Except as provided in the preceding sentence, the immediate custody and control of the Franklin D. Roosevelt Library, and such other buildings, grounds, and equipment as are or may from time to time become a part thereof shall be vested in the Administrator, and he is authorized to appoint and prescribe the duties of such officers and employees, including clerical assistance for the Board, as may be necessary for the execution of the functions vested in him by this section.

"(e) The Administrator shall prescribe regulations governing the arrangement, custody, protection, and use of the historical material deposited in the said Library; and, subject to such regulations, such material shall be available to the public free of charge: *Provided*, That the Administrator is authorized to charge, under regulations prescribed by him, a fee for the privilege of visiting and viewing the exhibit rooms or museum portion of the said Library; and any funds so derived shall be paid by the Administrator into the special account provided for in subsection (c) (4) of this section, to be held, administered, and expended under the provisions of that subsection.

"(f) The Administrator, in his annual report to the Congress, shall submit information with respect to all activities of the National Archives and Records Service during the preceding calendar year and such information and data as may be considered of value in the determination of questions connected with the

management of Government records, together with such recommendations as to additional legislation relating thereto as the Administrator may deem necessary.

“(g) That when used in this section—

“(1) the term ‘donor’ means Franklin D. Roosevelt ; and

“(2) the term ‘historical material’ includes books, correspondence, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, and other similar material.

“NATIONAL ARCHIVES TRUST FUND

“SEC. 507. (a) There is hereby established the National Archives Trust Fund Board (hereinafter referred to as the ‘Board’), which shall consist of the Archivist as Chairman, and the chairman of the House Post Office and Civil Service Committee and the chairman of the Senate Post Office and Civil Service Committee. Membership on the Board shall not be deemed to be an office within the meaning of the statutes of the United States.

“(b) The Board is hereby authorized to accept, receive, hold, and administer such gifts or bequests of money, securities, or other personal property, for the benefit of or in connection with the National Archives and Records Service, its collections, or its services, as may be approved by the Board.

“(c) Any moneys or securities composing trust funds given or bequeathed to the Board shall be receipted by the Secretary of the Treasury, who shall invest, reinvest, and retain such moneys or securities as the Board may from time to time determine. The Board shall not engage in any business or exercise any voting privilege which may be incidental to securities in such trust funds, nor shall the Secretary of the Treasury make any investments for the account of the Board which could not lawfully be made a trust company in the District of Columbia, except that he may make any investment directly authorized by the instrument of gift or bequest under which the funds to be invested are derived, and may retain any investments accepted by the Board.

“(d) The income from any trust funds held by the Board, and the money received and proceeds from the sale of securities and other personal property, as and when collected, shall be covered into the Treasury of the United States in a trust fund account to be known as the National Archives Trust Fund, subject to disbursement by the Division of Disbursement, Treasury Department, on the basis of certified vouchers of the Archivist or his duly authorized agent, except where otherwise restricted by the instrument of gift or bequest, for and in the interest of the National Archives and Records Service, its collections, or its services, including, but not restricted to, the preparation and publication of special works and collections of sources and the preparation, duplication, editing, and release of historical photographic materials and sound recordings. The Archivist may make sales of any such publications and releases authorized by this subsection and paid for out of the income derived from trust funds at a price which will cover their cost and 10 per centum added, and all moneys received from such sales shall be paid into, administered, and expended as a part of the trust fund account herein provided for.

“(e) The Board shall have all the usual powers and obligations of a trustee with respect to all property and funds administered by it, but the members of the Board shall not be personally liable, except for malfeasance.

“(f) Gifts and bequests received by the Board under the provisions of this section, and the income therefrom, shall be exempt from all taxes.

“(g) In carrying out the purposes of this section, the Board shall have authority—

“(1) to adopt an official seal, which shall be judicially noticed;

“(2) to appoint, or authorize the Archivist to appoint, without regard to civil-service and classification laws, all necessary employees, to fix their duties; and under the provisions of the Classification Act of 1949, their salaries; and

“(3) to adopt bylaws, rules, and regulations necessary for the administration of its functions under this section.

“(h) No compensation shall be paid to members of the Board for their services as members. All costs incurred by the Board in carrying out its duties under this section, including the expenses of members in attending meetings and the expenditures necessarily made by its members in the performance of their duties and the compensation of persons employed by it, shall be paid out of income from

trust funds available to the Board for the purpose. Unless otherwise restricted by the instrument of gift or bequest, the Board, by resolution duly adopted, may authorize the Archivist to use for such purposes, or for any other purpose or purposes for which funds may be expended under this section, the principal of any gift or bequest accepted under this section.

"(i) The Board shall submit to Congress an annual report of the moneys, securities, and other personal property received and held by it, and of its operations.

#### "GENERAL PROVISIONS

"SEC. 508. (a) The Administrator is hereby authorized to require agencies to report on their activities under the provisions of sections 502, 503, and 504 of this title, and, whenever he deems it necessary, to issue directions and regulations to carry out the provisions of those sections.

"(b) The Administrator shall, whenever he finds that any provisions of this title have been or are being violated, inform in writing the head of the agency concerned of such violations and make recommendations regarding means of correcting them. Unless corrective measures satisfactory to the Administrator are inaugurated within a reasonable time, the Administrator shall submit a written report thereon to the President and the Congress.

"(c) Photographs, microphotographs, and other forms of reproductions of any records made in compliance with regulations promulgated as provided in section 501 (c) (5) of this title shall have the same force and effect as the originals thereof would have and shall be treated as originals for the purpose of their admissibility in evidence.

"(d) Whenever any records that are required by statute to be retained permanently have been reproduced by photographic, microphotographic, or other processes, in accordance with standards established by the National Archives Council, the permanent retention of such photographic, microphotographic, or other negatives will be deemed to constitute compliance with the statutory requirement for the permanent retention of such original records.

#### "DEFINITIONS

"(d) That when used in his title—

"(1) the term 'records' means books, papers, maps, sound recordings, photographs, films, including microphotographs, still films and motion-picture films, or other documentary materials of any physical form or character whatever that have been made or received by an agency in connection with its official transactions, and that have been preserved by an agency or are appropriate for preservation by the United States Government as evidence of the organization, functions, policies, decisions, procedures, and transactions of an agency or because of the informational value of the data contained therein. Excluded from this definition are materials acquired by libraries or museums solely for purposes of reference or exhibition, and stocks of publications or processed documents preserved solely for purposes of public distribution or official supply;

"(2) the term 'agency', except as used and defined in section 505 of this title, means, in addition to each instrumentality and each group of instrumentalities of the United States Government and of its Territories (legislative, executive, judicial, and other) in the principal name of which appropriation estimates and statements of cash receipts and expenditures are included in the annual budget message of the President to Congress (except the District of Columbia), each constituent unit of the Office of Emergency Management, the Board of Governors of the Federal Reserve System, the Panama Canal, each Federal court, each board, commission, committee, and council not so included in such annual budget message and that do not constitute a part of such a group of instrumentalities, and all instrumentalities and groups of instrumentalities created by statute or by Executive order or other Presidential authority subsequent to the transmittal of the annual budget message of the President to Congress;

"(3) the term 'value' means administrative, legal, research, or other value;

"(4) the term 'list' means an itemized description of records or classes of records in the custody of an agency that are proposed for disposal on the ground that (a) they are not needed by it in the transaction of its current business and that do not appear to have sufficient value to warrant their further preservation by the Government, or (b) they do not have sufficient



value to warrant retention in their original form by virtue of the fact that microphotographic or other copies, made in accordance with the standards established in regulations promulgated by the Federal Records Council are adequate for the original records;

"(5) the term 'schedule' means an itemized description of records or classes of records of a specified form or character that either have accumulated in the custody of an agency or that may accumulate at any time after the submission of such a schedule (a) that are proposed for disposal after the lapse of specified periods of time or on the occurrence of specified events and that apparently will not, after the lapse of the periods or the occurrence of the events specified, have sufficient value to warrant their further preservation by the Government; or (b) that will not have sufficient value to warrant retention in their original form by virtue of the fact that microphotographic or other copies, made in accordance with the standards established in regulations promulgated by the Federal Records Council, will be adequate substitutes for the original records;

"(6) the term 'general schedule' means a schedule of records or classes of records that are common to several or all agencies;

"(7) the term 'records center' means an establishment maintained by the Administrator or by an agency primarily for the storage, processing, and servicing of records pending their deposit with the National Archives in the Bureau of Federal Records or their disposition in any other manner authorized by law;

"(8) the term 'current records' means records that are required for use in the current operation and administration of the agency having custody of them; and records not so required, regardless of the frequency of their use for other purposes by such agency, other agencies, or the public, are excluded from this definition;

"(9) the term 'servicing' means making information in records and other materials deposited with the National Archives and Records Service available for use—

"(a) by furnishing such records or other materials, or information from such records or other materials, or copies or reproductions thereof to agencies of the Government for official use and to the public; and

"(b) by making and furnishing authenticated or unauthenticated copies or reproductions of such records and other materials;

"(10) the term 'unauthenticated copies' means exact copies or reproductions of records or other materials that are not certified as such under seal and that need not be legally accepted as evidence;

"(11) the term 'selective retention' means the keeping of records by acts of selecting or choosing (by review and otherwise) those that have permanent or continuing value;

"(12) the term 'Administrator' means the Administrator of the General Services Administration."

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[H. R. 8353, 81st Cong., 2d sess.]

A BILL To amend Public Law 152, Eighty-first Congress, approved June 30, 1949

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That Public Law 152, Eighty-first Congress, approved June 30, 1949, be, and the same is hereby amended by—

(1) Redesignating section 210, title II, as section 211, and inserting one new section designated as section 210, as follows:

"OPERATION OF BUILDINGS AND RELATED ACTIVITIES

"SEC. 210. The Administrator, in carrying out his responsibility for maintenance, operation, and protection of federally owned or leased buildings, property, and grounds in and outside the District of Columbia, including the construction, repair, preservation, and equipment thereof, is hereby authorized—

"(a) to purchase, repair, and clean uniforms for employees who are required by law or regulation to wear uniform clothing;

"(b) to furnish arms and ammunition for the protection force;

"(c) to pay rental, both in and outside the District of Columbia, and to restore such property at the expiration of the lease term or to make monetary adjustments in lieu thereof;



"(d) to move Federal agencies in connection with the assignment, allocation, transfer, and survey of building space and pay the expenses thereof;

"(e) to pay ground rent for Federal buildings where necessary and to pay such sums in advance if required;

"(f) to furnish, equip, and demolish buildings;

"(g) to pay per diem personnel employed in connection with the functions of operation, maintenance, and protection of property at rates approved by the Administrator or his designee not exceeding current rates for similar services in places where such services are employed;

"(h) to pay rental, and make repairs, alterations, and improvements without reference to section 322 of the Act of June 30, 1932, as amended, under the terms of any lease entered into by, or transferred to, the General Services Administration for the housing of Federal agencies specifically exempted from the requirements of the said section and to continue the payment of such rentals until the expiration of said leases;

"(i) to credit to the appropriation of General Services Administration reimbursements for cost of maintenance, upkeep, and repair included as part of the rentals received from Government corporations, pursuant to section 306 of the Government Corporations Appropriation Act of 1948;

"(j) to require Government corporations and Federal agencies operating under a trust fund or other similar arrangements to pay rent for occupancy of Government buildings outside the District of Columbia, including the cost of maintenance, upkeep, and repair and to credit such funds to the appropriations of the General Services Administration;

"(k) to operate, maintain, and protect the District Court Building in the District of Columbia;

"(l) to make changes in, maintain, and repair the pneumatic-tube system in New York City installed under franchise of the city of New York, approved June 29, 1909, and June 11, 1928, and to make payments of any obligations arising thereunder in accordance with the provisions of the Acts approved August 5, 1909 (36 Stat. 120), and May 15, 1928 (45 Stat. 533);

"(m) to repair, alter, and improve rented premises without reference to the 25 per centum limitation of section 322 of the Act of June 30, 1932, as amended, upon certification of the Administrator that the execution of the work, without reference to this limitation, would in the specific case be in the best interest of the United States;

"(n) to credit to appropriations advances or reimbursements for services, quarters, maintenance, or other facilities furnished other agencies on a reimbursable basis;

"(o) to service and repair motor vehicles of other Government agencies, which agencies shall make payment therefor by check, either in advance or after service has been furnished, for deposit to the credit of appropriations of General Services Administration;

"(p) to pay sums in lieu of taxes accruing against real property declared surplus by Government corporations, pursuant to the Surplus Property Act of 1944, where legal title to such property remains in the Government corporation;

"(q) to furnish utilities and other services to persons, firms, or corporations in connection with the occupancy of plants of the National Industrial Reserve and other Government-owned or leased properties and to credit the amounts received therefrom to the appropriation of the General Services Administration;

"(r) to use proceeds received from insurance against damage to properties of the National Industrial Reserve, at the direction of the Secretary of Defense, for repair or restoration of the damaged properties;

"(s) to assign and reassign space in Government-owned and leased buildings in and outside the District of Columbia;

"(t) to acquire, upon request, for Federal agencies and others land for buildings and projects authorized by the Congress; to make surveys and test borings and prepare plans and specifications for such projects, by contract or otherwise, prior to the approval by the Attorney General of the title to the sites thereof; to contract for, and supervise the construction and development of, and equip such buildings or projects; and sums appropriated for such buildings and projects may be transferred to the General Services Administration in advance, if deemed necessary by the Administrator, including any amounts determined by him to be necessary for the

payment of salaries and expenses of personnel engaged in the preparation of plans and specifications, field supervision, and general office expenses;

"(u) to acquire, by purchase, condemnation, or otherwise, and to dispose of, by sale or otherwise, real estate and interests therein."

(2) Redesignating "title V" of such Act as "title VI" thereof, and changing "title V", wherever it appears therein, to "title VI";

(3) Redesignating sections 501-505, inclusive, of such Act, respectively, as sections 601-605, inclusive, thereof, and changing any such section number wherever it appears therein to conform in numbering to the redesignation prescribed by this subsection;

(4) Inserting at the proper place in the table of contents the following:

"TITLE V—FEDERAL RECORDS

"Sec. 501. Custody and control of property.

"Sec. 502. National Historical Publications Commission.

"Sec. 503. Current records management; the Administrator.

"Sec. 504. Current records management; Agency heads.

"Sec. 505. Archival administration.

"Sec. 506. Reports.

"Sec. 507. Legal status of reproductions.

"Sec. 508. Limitation on liability.

"Sec. 509. Definitions.

"Sec. 510. Short title."

(5) Eliminating the word "and" preceding "(2)" in subsection (d) of section 3, substituting a semicolon for the period at the end of said subsection, and adding the following language: "and (3) records of the Federal Government";

(6) Striking out all the language following the comma after the roman numeral "III" in the last line of section 208 (a) and inserting in lieu thereof the following: "V, and VI of this Act,";

(7) Striking out the language following the comma after the roman numeral "III" through the word "Act" in the second line of section 208 (b) and inserting in lieu thereof the following: "V, and VI of this Act";

(8) Striking out the word "and" at the end of section 602 (a) (30), changing the period at the end of section 602 (a) (31) to a colon, and adding the following subsections:

"(32) the Act entitled 'An Act to establish a National Archives of the United States Government, and for other purposes', approved June 19, 1934 (48 Stat. 1122-1124; 44 U. S. C. 300f, 300g, 300h, 300i, 300k);

"(33) the Act entitled 'An Act to amend section 8 of the Act entitled an Act to establish a National Archives of the United States Government, and for other purposes', approved June 22, 1936 (49 Stat. 1821-1822, 44 U. S. C. 300h);

"(34) the Act entitled 'An Act to amend the Act entitled an Act to establish a National Archives of the United States Government, and for other purposes', approved March 3, 1948 (62 Stat. 58; 44 U. S. C. 300c, 300f-1, 300h-1);

"(35) the Act entitled 'An Act to amend section 10 of the Act entitled an Act to establish a National Archives of the United States Government, and for other purposes', approved June 8, 1948 (62 Stat. 344; 44 U. S. C. 300j);

"(36) the Act entitled 'An Act to amend the Act of June 19, 1934, providing for the establishment of the National Archives, so as to provide that certain fees collected by the Archivist shall be available for disbursement in the interest of the National Archives', approved June 25, 1948 (62 Stat. 1026; 44 U. S. C. 300h); and

"(37) sections 2 and 4 of the Act entitled 'An Act to provide for the disposal of certain records of the United States Government', approved July 7, 1943, as amended July 6, 1945 (57 Stat. 380-383; 59 Stat. 434; 44 U. S. C. 366-380), to the extent that the provisions thereof are inconsistent with the provisions of title V of this Act."

(9) Changing the period at the end of section 603 (a) to a comma and adding the following: "including—

"(1) such sums as may be necessary to enable the head of each Federal agency to appoint staff assistants for records matters in order to enable him to discharge efficiently the responsibilities imposed upon him by the provisions of title V of this Act;

"(2) such sums as may be necessary for purchase and exchange of books and maps; and payment in advance when authorized by the Administrator for library memberships in societies whose publications are available to members only or to members at a price lower than to the general public;".

(10) Inserting a new title following section 404 to provide for the creation, preservation, management, and disposal of records of the United States Government, and for other purposes, to read as follows:

## "TITLE V—FEDERAL RECORDS

### "CUSTODY AND CONTROL OF PROPERTY

"SEC. 501. The Administrator shall have immediate custody and control (except as otherwise provided by law) of the National Archives Building and the Franklin D. Roosevelt Library Building, and shall have authority to design, construct, purchase, lease, maintain, operate, protect, and improve buildings used by him for the storage of records in the District of Columbia and elsewhere.

### "NATIONAL HISTORICAL PUBLICATIONS COMMISSION

"SEC. 502. (a) There is hereby created a National Historical Publications Commission consisting of the Archivist (or an alternate designated by him), who shall be Chairman; the Librarian of Congress (or an alternate designated by him); one Member of the United States Senate to be appointed by the President of the Senate; one Member of the House of Representatives to be appointed by the Speaker of the House; one representative of the judicial branch of the Government to be appointed by the Chief Justice of the United States; two members of the American Historical Association to be appointed by the president thereof from those persons who are or have been members of the executive council of the said association; and two other members outstanding in the fields of the social or physical sciences to be appointed by the President of the United States. The Commission shall meet annually and on call of the Chairman.

"(b) Members, other than the Archivist and the Librarian of Congress, shall be appointed for terms ending January 1, 1954, and for four-year terms thereafter. Any vacancy in the membership of the Commission shall be filled in the same manner in which the original appointment was made.

"(c) The expenses of the Commission are hereby authorized to be paid by the Administrator: *Provided*, That members employed by and representing the Government shall serve without additional compensation as members of the Commission, that members representing the public shall be paid in accordance with the provisions of section 208 (b) of title II of this Act, and that all members shall be reimbursed for expenses actually incurred in attending meetings of the Commission.

"(d) The Commission shall make plans, estimates, and recommendations for such historical works and collections of sources as seem appropriate for printing or otherwise recording at the public expense. The Chairman of the Commission shall transmit to the Administrator, from time to time, such plans, estimates, and recommendations as have been approved by the Commission.

"(e) The Administrator shall transmit to Congress at the beginning of each regular session a report of the Commission for the preceding fiscal year.

### "CURRENT RECORDS MANAGEMENT; THE ADMINISTRATOR

"SEC. 503. (a) The Administrator shall make provisions for the economical and efficient management of records of Federal agencies (1) by analyzing, developing, promoting, and coordinating standards, procedures, and techniques designed to improve the management of current records, to insure the maintenance and security of records deemed appropriate for preservation, and to facilitate the segregation and disposal of records of temporary value; and (2) by promoting the efficient and economical utilization of space, equipment, and supplies needed for the purpose of creating, maintaining, storing, and servicing records.

"(b) The Administrator shall establish standards for the selective retention of records of continuing value, and assist Federal agencies in applying such standards to records in their custody; and he shall notify the head of any Federal agency of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of such agency that shall come to his attention, and assist the head of such agency in initiating action through the Attorney General for the recovery of such records as shall have been unlawfully removed and for such other redress as may be provided by law.

"(c) The Administrator shall have full power to inspect or survey personally or by deputy the records of any Federal agency, as well as to make or coordinate



surveys of records management and records disposal practices in such agencies, and shall be given the full cooperation of officials and employees of agencies in such inspections and surveys: *Provided*, That records, the use of which is restricted for reasons of national security, shall be inspected or surveyed in accordance with regulations promulgated by the Administrator, subject to the approval of the head of the custodial agency.

"(d) The Administrator is authorized to establish, maintain, and operate records centers for the storage, processing, and servicing of records pending their deposit with the National Archives of the United States or their disposition in any other manner authorized by law; and to operate centralized microfilming services for Federal agencies in connection therewith.

"(e) The Administrator shall promulgate regulations governing the transfer of records from the custody of one executive agency to that of another.

"(f) The Administrator may empower any Federal agency, upon the submission of evidence of need therefor, to retain records for a longer period than that specified in disposal schedules approved by Congress, and, in accordance with regulations promulgated by him, may withdraw disposal authorizations covering records listed in disposal schedules approved by Congress.

#### "CURRENT RECORDS MANAGEMENT; AGENCY HEADS

"Sec. 504. (a) The head of each Federal agency shall cause to be made and preserved records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities.

"(b) The head of each Federal agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency. Such program shall, among other things, provide for (1) effective controls over the creation, maintenance, and use of records needed in the conduct of current business; (2) cooperation with the Administrator in applying standards, procedures, and techniques designed to improve the management of current records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records of temporary value; and (3) compliance with the provisions of this title and the regulations issued thereunder.

"(c) Whenever substantial economies can be effected thereby, the head of each Federal agency shall provide for the storage, processing, and servicing of records that are appropriate therefor in a records center maintained and operated by the Administrator or, when approved by the Administrator, in such a center maintained and operated by the agency of which he is the head.

"(d) Any official of the Government who is authorized to certify to facts on the basis of records in his custody, is hereby authorized to certify to facts on the basis of records that have been transferred by him or his predecessors to the Administrator.

"(e) The head of each Federal agency shall establish such safeguards against the removal or loss of records as he shall determine necessary and as may be required by regulations of the Administrator. Such safeguards shall include making known to all officials and employees of the agency (1) that no records in the custody of the agency are to be alienated or destroyed except in accordance with the provisions of the Act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434), and (2) the penalties provided by law for the unlawful removal or destruction of records.

"(f) The head of each Federal agency shall notify the Administrator of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency of which he is the head that shall come to his attention, and with the assistance of the Administrator shall initiate action through the Attorney General for the recovery of records he knows or has reason to believe have been unlawfully removed from his agency, or from any other Federal agency whose records have been transferred to his legal custody.

#### "ARCHIVAL ADMINISTRATION

"Sec. 505. (a) The Administrator, whenever it appears to him to be in the public interest, is hereby authorized—

"(1) to accept for deposit with the National Archives of the United States the records of any Federal agency, including the Congress of the United



States, determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government;

"(2) to direct and effect the transfer of records deposited (or approved for deposit) with the National Archives of the United States to public or educational institutions or associations: *Provided*, That the title to such records shall remain vested in the United States unless otherwise authorized by Congress; and

"(3) to direct and effect the transfer of records and other materials from private sources authorized to be received by the Administrator by the provisions of subsection (e) (2) of this section.

"(b) The Administrator shall be responsible for the custody, use, and withdrawal of records transferred to him: *Provided*, That whenever any records the use of which is subject to statutory limitations and restrictions are so transferred, permissive and restrictive statutory provisions with respect to the examination and use of such records applicable to the head of the agency from which the records were transferred or to employees of that agency shall thereafter likewise be applicable to the Administrator, the Archivist, and to the employees of the General Services Administration, respectively: *Provided further*, That whenever the head of any agency shall specify in writing restrictions that appear to him to be necessary or desirable in the public interest, on the use or examination of records being considered for transfer from his custody to the Administrator, the Administrator shall impose such restrictions on the records so transferred and shall not remove or relax such restrictions without the concurrence in writing of the head of the agency from which the material shall have been transferred unless the existence of that agency shall have been terminated: *Provided, however*, That statutory and other restrictions referred to in the provisos of this subsection shall not remain in force or effect after the records have been in existence for fifty years unless the Administrator by order shall determine with respect to specific bodies of records that such restrictions shall remain in force and effect for a longer period: *And provided further*, That restrictions on the use or examination of records deposited with the National Archives of the United States heretofore imposed and now in force and effect under the terms of section 3 of the National Archives Act, approved June 19, 1934, shall continue in force and effect regardless of the expiration of the tenure of office of the official who imposed them but may be removed or relaxed by the Administrator with the concurrence in writing of the head of the agency from which material has been transferred or by the Administrator alone, if the existence of that agency shall have been terminated.

"(c) The Administrator shall make provisions for the preservation, arrangement, repair and rehabilitation, duplication and reproduction (including micro-copy publications), description, and exhibition of records transferred to him as may be needful or appropriate, including the preparation and publication of inventories, indexes, catalogs, and other finding aids or guides facilitating their use; and, when approved by the National Historical Publications Commission, he may also publish such historical works and collections of sources as seem appropriate for printing or otherwise recording at the public expense.

"(d) The Administrator shall make such provisions and maintain such facilities as he deems necessary or desirable for servicing records in his custody that are not exempt from examination by statutory provisions or other restrictions.

"(e) The Administrator may accept for deposit—

"(1) the personal papers and other historical documentary materials of the present President of the United States, his successors, heads of executive departments, and such other officials of the Government as the President may designate, offered for deposit under restrictions respecting their use specified in writing by the prospective depositors: *Provided*, That restrictions so specified on such materials, or any portions thereof, accepted by the Administrator for such deposit shall have force and effect during the lifetime of the depositor or for a period not to exceed twenty-five years, whichever is longer, unless sooner terminated in writing by the depositor or his legal heirs: *And provided further*, That the Archivist determines that the materials accepted for such deposit will have continuing historical or other values;

"(2) records, including motion-picture films, still pictures, sound recordings, and other documentary materials, from private sources, that are appropriate for preservation by the Government as evidence of its organization, functions, policies, decisions, procedures, and transactions.

"(f) The Administrator is hereby authorized to make and preserve motion-picture films, still pictures, and sound recordings pertaining to and illustrative of the historical development of the United States Government and its activities, and to make provisions for preparing, editing, titling, scoring, processing, duplicating, reproducing, exhibiting, and releasing motion-picture films, still pictures, and sound recordings in his custody.

#### "REPORTS

"SEC. 506. (a) The Administrator is hereby authorized to require Federal agencies to report on their activities under the provisions of this title and the Act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434), and, whenever he deems it necessary, to issue directions and regulations to carry out the provisions thereof, which shall be binding on all agencies.

"(b) The Administrator shall, whenever he finds that any provisions of this title have been or are being violated, inform in writing the head of the agency concerned of such violations and make recommendations regarding means of correcting them. Unless corrective measures satisfactory to the Administrator are inaugurated within a reasonable time, the Administrator shall submit a written report thereon to the President and the Congress.

#### "LEGAL STATUS OF REPRODUCTIONS

"SEC. 507. (a) Whenever any records that are required by statute to be retained permanently have been reproduced by photographic, microphotographic, or other processes, in accordance with standards established by the Administrator, the permanent retention of such photographic, microphotographic, or other negatives will be deemed to constitute compliance with the statutory requirement for the permanent retention of such original records. Such reproductions, as well as reproductions made in compliance with regulations promulgated to carry out this title, shall have the same legal status as the originals thereof.

"(b) There shall be an official seal for the National Archives of the United States which shall be judicially noticed. When any copy or reproduction, furnished under the terms hereof, is authenticated by such official seal and certified by the Administrator, such copy or reproduction shall be admitted in evidence equally with the original from which it was made.

"(c) The Administrator may charge a fee not in excess of 10 per centum above the costs or expenses for making or authenticating copies or reproductions of materials transferred to his custody. All such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund provided for in section 5 of the Act approved July 9, 1941. There shall be no charge for making or authenticating copies or reproductions of such materials for official use by the United States Government: *Provided*, That reimbursement may be accepted to cover the cost of furnishing such copies or reproductions which could not otherwise be furnished.

#### "LIMITATION ON LIABILITY

"SEC. 509. With respect to letters and other intellectual productions in the custody or possession of the Administrator, neither the United States nor its agents shall be liable for any infringement of literary property rights or analogous rights arising out of use of such materials for display, inspection, research, reproduction, or other purposes.

#### "DEFINITIONS

"SEC. 510. When used in this title—

"(a) The term 'records center' means an establishment maintained by the Administrator or by an agency primarily for the storage, servicing, security, and processing of records that must be preserved for varying periods of time and need not be retained in office equipment and space.

"(b) the term 'servicing' means making available for use information in records and other materials in the custody of the Administrator—

"(1) by furnishing such records or other materials, or information from such records or other materials, or copies or reproductions thereof to agencies of the Government for official use and to the public; and

- "(2) by making and furnishing authenticated or unauthenticated copies or reproductions of such records and other materials.
- "(c) the term 'Archivist' means the Archivist of the United States.

"SHORT TITLE

"SEC. 511. This title may be cited as the 'Federal Records Act of 1950'."

SEC. 2. That all laws or parts of laws conflicting with the provisions of this Act are to the extent of such conflict repealed.

[H. R. 8416, 81st Cong., 2d sess.]

A BILL To amend Public Law 152, Eighty-first Congress, approved June 30, 1949.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That Public Law 152, Eighty-first Congress, approved June 30, 1949, be, and the same is hereby, amended by—

(1) Redesignating section 210, title II, as section 211, and inserting one new section designated as section 210.

"OPERATION OF BUILDINGS AND RELATED ACTIVITIES

"SEC. 210. The Administrator, in carrying out his responsibility for maintenance, operation, and protection of federally owned or leased building, property, and grounds in and outside the District of Columbia, including the construction, repair, preservation, and equipment thereof, is hereby authorized—

"(a) to purchase, repair, and clean uniforms for employees who are required by law or regulation to wear uniform clothing;

"(b) to furnish arms and ammunition for the protection force;

"(c) to pay rental, both in and outside the District of Columbia, and to restore such property at the expiration of the lease term or to make monetary adjustments in lieu thereof;

"(d) to move Federal agencies in connection with the assignment, allocation, transfer, and survey of building space and pay the expenses thereof;

"(e) to pay ground rent for Federal buildings where necessary and to pay such sums in advance if required;

"(f) to furnish, equip, and demolish buildings;

"(g) to pay per diem personnel employed in connection with the functions of operation, maintenance, and protection of property at rates approved by the Administrator or his designee not exceeding current rates for similar services in places where such services are employed;

"(h) to pay rental, and make repairs, alterations, and improvements without reference to section 322 of the Act of June 30, 1932, as amended, under the terms of any lease entered into by, or transferred to, the General Services Administration for the housing of Federal agencies specifically exempted from the requirements of the said section and to continue the payment of such rentals until the expiration of said leases;

"(i) to credit to the appropriation of General Services Administration reimbursements for cost of maintenance, upkeep, and repair included as part of the rentals received from Government corporations, pursuant to section 306 of the Government Corporations Appropriation Act of 1948;

"(j) to require Government corporations and Federal agencies operating under a trust fund or other similar arrangements to pay rent for occupancy of Government buildings outside the District of Columbia, including the cost of maintenance, upkeep, and repair and to credit such funds to the appropriations of the General Services Administration;

"(k) to operate, maintain, and protect the District Court Building in the District of Columbia;

"(l) to make changes in, maintain, and repair the pneumatic-tube system in New York City installed under franchise of the city of New York, approved June 29, 1909, and June 11, 1928, and to make payments of any obligations arising thereunder in accordance with the provisions of the Act approved August 5, 1909 (36 Stat. 120), and May 15, 1928 (45 Stat. 533);

"(m) to repair, alter, and improve rented premises without reference to the 25 per centum limitation of section 322 of the Act of June 30, 1932, as amended, upon certification of the Administrator that the execution of the



work, without reference to this limitation, would in the specific case be in the best interest of the United States:

"(n) to credit to appropriations advances or reimbursements for services, quarters, maintenance, or other facilities furnished other agencies on a reimbursable basis;

"(o) to service and repair motor vehicles of other Government agencies, which agencies shall make payment therefor by check, either in advance or after service has been furnished, for deposit to the credit of appropriations of General Services Administration;

"(p) to pay sums in lieu of taxes accruing against real property declared surplus by Government corporations, pursuant to the Surplus Property Act of 1944, where legal title to such property remains in the Government corporation;

"(q) to furnish utilities and other services to persons, firms, or corporations in connection with the occupancy of plants of the National Industrial Reserve and other Government-owned or leased properties and to credit the amounts received therefrom to the appropriation of the General Services Administration;

"(r) to use proceeds received from insurance against damage to properties of the National Industrial Reserve, at the direction of the Secretary of Defense, for repair or restoration of the damaged properties;

"(s) to assign and reassign space in Government-owned and leased buildings in and outside the District of Columbia;

"(t) to acquire, upon request, for Federal agencies and other lands for buildings and projects authorized by the Congress; to make surveys and test borings and prepare plans and specifications for such projects, by contract or otherwise, prior to the approval by the Attorney General of the title to the sites thereof; to contract for, and supervise the construction and development of, and equip such buildings or projects; and sums appropriated for such buildings and projects may be transferred to the General Services Administration in advance, if deemed necessary by the Administrator, including any amounts determined by him to be necessary for the payment of salaries and expenses of personnel engaged in the preparation of plans and specifications, field supervision, and general office expenses;

"(u) to acquire, by purchase, condemnation, or otherwise, and to dispose of, by sale or otherwise, real estate and interests therein."

(2) Amend section 109 as follows:

"SEC. 109. (a) There is hereby authorized to be set aside in the Treasury a special fund which shall be known as the general supply fund (including any surplus therein) created by section 3 of the Act of February 27, 1929. (45 Stat. 1342; 41 U. S. C. 7c), and transferred to the Administrator by section 102 of this Act, and such sums as may be appropriated thereto, and the fund shall assume all of the liabilities, obligations, and commitments of the general supply fund created by such Act of February 27, 1929. The capital of the general supply fund shall be in an amount not greater than \$75,000,000.

"In advance of each fiscal year the Administrator of General Services shall file with the Secretary of the Treasury an estimate, approved by the Bureau of the Budget, showing the cost of sales to be made through the general supply fund during the approaching fiscal year. Thereafter, on request of the Administrator, the Secretary of the Treasury is authorized and directed to credit the said fund with such moneys, not otherwise appropriated, as will increase the fund to a sum not in excess of 25 per centum of said estimate. Upon the filing of any annual estimate, if the capital account of the general supply fund shall exceed 25 per centum of said estimate, the excess, to the extent consistent with required liquidity, as determined by the Administrator, shall be covered into the Treasury as miscellaneous receipts.

"Once during any fiscal quarter year, the Administrator may revise said estimate with the approval of the Director of the Bureau of the Budget, and the general supply fund shall be accordingly increased or diminished at the request of the Administrator.

"The general supply fund shall be available for use by or under the direction and control of the Administrator (1) for procuring personal property (including the purchase from or through the Public Printer of standard forms and blank-book work for field warehouse issue) and nonpersonal services for the use of Federal agencies in the proper discharge of their responsibilities, and (2) for paying all elements of cost of the procurement, handling, and distribution thereof, except that on and after July 1, 1950, those elements of cost which are deter-



mined by the Administrator with the approval of the Director of the Bureau of the Budget to be indirect or overhead costs shall not be paid from the fund.

"(b) Payment by requisitioning agencies shall be at prices fixed by the Administrator. Until July 1, 1950, such prices shall be fixed in accordance with law and regulations applicable on the date of enactment of this Act to prices fixed by the Director of the Bureau of Federal Supply. On and after such date, such prices shall be fixed at levels so as to recover so far as practicable all costs except those which are determined by the Administrator with the approval of the Director of the Bureau of the Budget to be indirect or overhead costs. Requisitioning agencies shall pay by advance of funds in all cases where it is determined by the Administrator that there is insufficient capital otherwise available in the general supply fund. Advances of funds also may be made by agreement between the requisitioning agencies and the Administrator. Where an advance of funds is not made, requisitioning agencies shall promptly reimburse the General Services Administration on vouchers prepared by the requisitioning agency on the basis of itemized invoices submitted by the Administrator and receiving reports evidencing the delivery to the requisitioning agency of such supplies or services: *Provided*, That in any case where payment shall not have been made by the requisitioning agency within forty-five days after the date of billing by the Administrator, reimbursement may be obtained by the Administrator by the issuance of transfer and counter-warrants supported by itemized invoices.

"That effective July 1, 1950, provided appropriations have been made available for the operation of the general supply fund as hereinafter provided, or if such funds are not available, then effective on such date as the Director of the Bureau of the Budget may approve after such appropriations become available, section 109 is hereby amended as follows:

"(1) The final sentence of paragraph (a) is revised to read: 'The general supply fund shall be available for use by and under the direction of the Administrator (1) for procuring personal property (including the purchase from or through the Public Printer of printed material for warehouse issue) and nonpersonal services for the use of Federal agencies in the proper discharge of their responsibilities, and (2) for paying the purchase price, transportation to first storage point of supplies and services, and the cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property.'

"(2) The third sentence of paragraph (b) is revised to read: 'Such prices shall be fixed at levels so as to recover so far as practicable the applicable purchase price, the transportation cost to first storage point, inventory losses, the cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property, and the cost of amortization and repair of equipment utilized for lease or rent to executive agencies.'

"(3) Paragraph (f) is revised to read:

"(f) Subject to the requirements of subsections (a) to (e), inclusive, of this section, the general supply fund also may be used for the procurement of supplies and nonpersonal services authorized to be acquired by mixed-ownership Government corporations, or by the municipal government of the District of Columbia, or by a requisitioning non-Federal agency when the function of a Federal agency authorized to procure for it is transferred to the General Services Administration.'

(c) The following paragraph (g) is hereby added to said section 109:

"(g) The Administrator of General Services is authorized in his discretion to charge vendors and producers of commodities considered for purchase reasonable fees for testing such commodities for conformance to specifications and standards, and such fees may be deposited in the general supply fund and used to defray the expenses of said tests."

(3) Redesignating "title V" of such Act as "title VI" thereof, and changing "title V," wherever it appears therein, to "title VI";

(4) Redesignating sections 501-505, inclusive, of such Act, respectively, as sections 601-605, inclusive, thereof, and changing any such section number wherever it appears therein to conform in numbering to the redesignation prescribed by this subsection;

(5) Inserting at the proper place in the table of contents the following:

"TITLE V—FEDERAL RECORDS

"Sec. 501. Custody and control of property.

"Sec. 502. National Historical Publications Commission.

"Sec. 503. Current records management: the Administrator.

"Sec. 504. Current records management: agency heads.

"Sec. 505. Archival administration.

- "Sec. 506. Reports.  
 "Sec. 507. Legal status of reproductions.  
 "Sec. 508. Limitation on liability.  
 "Sec. 509. Definitions.  
 "Sec. 510. Short title."

(6) Eliminating the word "and" preceding "(2)" in subsection (d) of section 3, substituting a semicolon for the period at the end of said subsection, and adding the following language: "and (3) records of the Federal Government";

(7) Striking out all the language following the comma after the roman numeral "III" in the last line of section 208 (a) and inserting in lieu thereof the following: "V, and VI of this Act,";

(8) Striking out the language following the comma after the roman numeral "III" through the word "Act" in the second line of section 208 (b) and inserting in lieu thereof the following: "V, and VI of this Act";

(9) Striking out the word "and" at the end of section 602 (a) (30), changing the period at the end of section 602 (a) (31) to a colon, and adding the following subsections:

"(32) the Act entitled 'An Act to establish a National Archives of the United States Government, and for other purposes', approved June 19, 1934 (48 Stat. 1122-1124; 44 U. S. C. 300f, 300g, 300h, 300k);

"(33) the Act entitled 'An Act to amend section 8 of the Act entitled "An Act to establish a National Archives of the United States Government, and for other purposes",' approved June 22, 1936 (49 Stat. 1821-1822, 44 U. S. C. 300h);

"(34) the Act entitled 'An Act to amend the Act entitled "An Act to establish a National Archives of the United States Government, and for other purposes",' approved March 3, 1948 (62 Stat. 58; 44 U. S. C. 300c, 300f-1, 300h-1);

"(35) the Act entitled 'An Act to amend section 10 of the Act entitled "An Act to establish a National Archives of the United States Government, and for other purposes",' approved June 8, 1948 (62 Stat. 344; 44 U. S. C. 300j);

"(36) the act entitled 'An Act to amend the Act of June 19, 1934, providing for the establishment of the National Archives, so as to provide that certain fees collected by the Archivist shall be available for disbursement in the interest of the National Archives', approved June 25, 1948 (62 Stat. 1026; 44 U. S. C. 300h); and

"(37) sections 2 and 4 of the Act entitled 'An Act to provide for the disposal of certain records of the United States Government', approved July 7, 1943, as amended July 6, 1945 (57 Stat. 380-383; 59 Stat. 434; 44 U. S. C. 366-380), to the extent that the provisions thereof are inconsistent with the provisions of title V of this Act."

(10) Changing the period at the end of section 603 (a) to a comma and adding the following: "including—

"(1) such sums as may be necessary to enable the head of each Federal agency to appoint staff assistants for records matters in order to enable him to discharge efficiently the responsibilities imposed upon him by the provisions of title V of this Act;

"(2) such sums as may be necessary for purchase and exchange of books and maps; and payment in advance when authorized by the Administrator for library memberships in societies whose publications are available to members only or to members at a price lower than to the general public";

(11) inserting a new title following section 404 to provide for the creation, preservation, management, and disposal of records of the United States Government, and for other purposes, to read as follows:

## "TITLE V—FEDERAL RECORDS

### "CUSTODY AND CONTROL OF PROPERTY

"SEC. 501. The Administrator shall have immediate custody and control (except as otherwise provided by law), of the National Archives Building and the Franklin D. Roosevelt Library Building, and shall have authority to design, construct, purchase, lease, maintain, operate, protect, and improve buildings used by him for the storage of records in the District of Columbia and elsewhere.

### "NATIONAL HISTORICAL PUBLICATIONS COMMISSION

"SEC. 502. (a) There is hereby created a National Historical Publications Commission consisting of the Archivist (or an alternate designated by him),

who shall be Chairman, the Librarian of Congress (or an alternate designated by him), one Member of the United States Senate to be appointed by the President of the Senate, one Member of the House of Representatives to be appointed by the Speaker of the House, one representative of the judicial branch of the Government to be appointed by the Chief Justice of the United States, two members of the American Historical Association to be appointed by the president thereof from those persons who are or have been members of the executive council of the said association, and two other members outstanding in the fields of the social or physical sciences to be appointed by the President of the United States. The Commission shall meet annually and on call of the Chairman.

"(b) Members, other than the Archivist and the Librarian of Congress, shall be appointed for terms ending January 1, 1954, and for four-year terms thereafter. Any vacancy in the membership of the Commission shall be filled in the same manner in which the original appointment was made.

"(c) The expenses of the Commission are hereby authorized to be paid by the Administrator: *Provided*, That members employed by and representing the Government shall serve without additional compensation as members of the Commission, that members representing the public shall be paid in accordance with the provisions of section 208 (b) of title II of this Act, and that all members shall be reimbursed for expenses actually incurred in attending meetings of the Commission.

"(d) The Commission shall make plans, estimates, and recommendations for such historical works and collections of sources as seem appropriate for printing or otherwise recording at the public expense. The Chairman of the Commission shall transmit to the Administrator, from time to time, such plans, estimates, and recommendations as have been approved by the Commission.

"(e) The Administrator shall transmit to Congress at the beginning of each regular session a report of the Commission for the preceding fiscal year.

#### "CURRENT RECORDS MANAGEMENT : THE ADMINISTRATOR

"SEC. 503. (a) The Administrator shall make provisions for the economical and efficient management of records of Federal agencies (1) by analyzing, developing, promoting, and coordinating standards, procedures, and techniques designed to improve the management of current records, to insure the maintenance and security of records deemed appropriate for preservation, and to facilitate the segregation and disposal of records of temporary value, and (2) by promoting the efficient and economical utilization of space, equipment, and supplies needed for the purpose of creating, maintaining, storing, and servicing records.

"(b) The Administrator shall establish standards for the selective retention of records of continuing value, and assist Federal agencies in applying such standards to records in their custody; and he shall notify the head of any Federal agency of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of such agency that shall come to his attention, and assist the head of such agency in initiating action through the Attorney General for the recovery of such records as shall have been unlawfully removed and for such other redress as may be provided by law.

"(c) The Administrator shall have full power to inspect or survey personally or by deputy the records of any Federal agency, as well as to make or coordinate surveys of records management and records disposal practices in such agencies, and shall be given the full cooperation of officials and employees of agencies in such inspections and surveys: *Provided*, That records, the use of which is restricted for reasons of national security, shall be inspected or surveyed in accordance with regulations promulgated by the Administrator, subject to the approval of the head of the custodial agency.

"(d) The Administrator is authorized to establish, maintain, and operate records centers for the storage, processing, and servicing of records pending their deposit with the National Archives of the United States or their disposition in any other manner authorized by law; and to operate centralized microfilming services for Federal agencies in connection therewith.

"(e) The Administrator shall promulgate regulations governing the transfer of records from the custody of one executive agency to that of another.

"(f) The Administrator may empower any Federal agency, upon the submission of evidence of need therefor, to retain records for a longer period than that specified in disposal schedules approved by Congress, and, in accordance with



regulations promulgated by him, may withdraw disposal authorizations covering records listed in disposal schedules approved by Congress.

"CURRENT RECORDS MANAGEMENT; AGENCY HEADS

"SEC. 504. (a) The head of each Federal agency shall cause to be made and preserved records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities.

"(b) The head of each Federal agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency. Such program shall, among other things, provide for (1) effective controls over the creation, maintenance, and use of records needed in the conduct of current business; (2) cooperation with the Administrator in applying standards, procedures, and techniques designed to improve the management of current records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records of temporary value; and (3) compliance with the provisions of this title and the regulations issued thereunder.

"(c) Whenever substantial economies can be effected thereby, the head of each Federal agency shall provide for the storage, processing, and servicing of records that are appropriate therefor in a records center maintained and operated by the Administrator or, when approved by the Administrator, in such a center maintained and operated by the agency of which he is the head.

"(d) Any official of the Government who is authorized to certify to facts on the basis of records in his custody is hereby authorized to certify to facts on the basis of records that have been transferred by him or his predecessors to the Administrator.

"(e) The head of each Federal agency shall establish such safeguards against the removal or loss of records as he shall determine necessary and as may be required by regulations of the Administrator. Such safeguards shall include making known to all officials and employees of the agency (1) that no records in the custody of the agency are to be alienated or destroyed except in accordance with the provisions of the Act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434), and (2) the penalties provided by law for the unlawful removal or destruction of records.

"(f) The head of each Federal agency shall notify the Administrator of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency of which he is the head that shall come to his attention, and with the assistance of the Administrator shall initiate action through the Attorney General for the recovery of records he knows or has reason to believe have been unlawfully removed from his agency, or from any other Federal agency whose records have been transferred to his legal custody.

"ARCHIVAL ADMINISTRATION

"SEC. 505. (a) The Administrator, whenever it appears to him to be in the public interest, is hereby authorized—

"(1) to accept for deposit with the National Archives of the United States the records of any Federal agency, and of the Congress of the United States that are determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government;

"(2) to direct and effect the transfer of records deposited (or approved for deposit with the National Archives of the United States to public or educational institutions or associations: *Provided*, That the title to such records shall remain vested in the United States unless otherwise authorized by Congress; and

"(3) to direct and effect the transfer of records and other materials from private sources authorized to be received by the Administrator by the provisions of subsection (e) (2) of this section.

"(b) The Administrator shall be responsible for the custody, use, and withdrawal of records transferred to him: *Provided*, That whenever any records the use of which is subject to statutory limitations and restrictions are so transferred, permissive and restrictive statutory provisions with respect to the exami-



nation and use of such records applicable to the head of the agency from which the records were transferred or to employees of that agency shall thereafter likewise be applicable to the Administrator, the Archivist, and to the employees of the General Services Administration, respectively: *And provided further*, That whenever the head of any agency shall specify in writing restrictions that appear to him to be necessary or desirable in the public interest, on the use or examination of records being considered for transfer from his custody to the Administrator, the Administrator shall impose such restrictions on the records so transferred, and shall not remove or relax such restrictions without the concurrence in writing of the head of the agency from which the material shall have been transferred unless the existence of that agency shall have been terminated: *Provided, however*, That statutory and other restrictions referred to in the provisos of this subsection shall not remain in force or effect after the records have been in existence for fifty years unless the Administrator by order shall determine with respect to specific bodies of records that such restrictions shall remain in force and effect for a longer period: *And provided further*, That restrictions on the use or examination of records deposited with the National Archives of the United States heretofore imposed and now in force and effect under the terms of section 3 of the National Archives Act, approved June 19, 1934, shall continue in force and effect regardless of the expiration of the tenure of office of the official who imposed them but may be removed or relaxed by the Administrator with the concurrence in writing of the head of the agency from which material has been transferred or by the Administrator alone if the existence of that agency shall have been terminated.

"(c) The Administrator shall make provisions for the preservation, arrangement, repair and rehabilitation, duplication and reproduction (including micro-copy publications), description, and exhibition of records transferred to him as may be needful or appropriate, including the preparation and publication of inventories, indexes, catalogs, and other finding aids or guides facilitating their use; and, when approved by the National Historical Publications Commission, he may also publish such historical works and collections of sources as seem appropriate for printing or otherwise recording at the public expense.

"(d) The Administrator shall make such provisions and maintain such facilities as he deems necessary or desirable for servicing records in his custody that are not exempt from examination by statutory provisions or other restrictions.

"(e) The Administrator may accept for deposit—

"(1) the personal papers and other historical documentary materials of the present President of the United States, his successors, heads of executive departments, and such other officials of the Government as the President may designate, offered for deposit under restrictions respecting their use specified in writing by the prospective depositors: *Provided*, That restrictions so specified on such materials, or any portions thereof, accepted by the Administrator for such deposit shall have force and effect during the lifetime of the depositor or for a period not to exceed twenty-five years, whichever is longer, unless sooner terminated in writing by the depositor or his legal heirs: *And provided further*, That the Archivist determines that the materials accepted for such deposit will have continuing historical or other values;

"(2) records, including motion-picture films, still pictures, sound recordings, and other documentary materials, from private sources, that are appropriate for preservation by the Government as evidence of its organization, functions, policies, decisions, procedures, and transactions.

"(f) The Administrator is hereby authorized to make and preserve motion-picture films, still pictures, and sound recordings pertaining to and illustrative of the historical development of the United States Government and its activities, and to make provisions for preparing, editing, titling, scoring, processing, duplicating, reproducing, exhibiting, and releasing motion-picture films, still pictures, and sound recordings in his custody.

#### "REPORTS

"Sec. 506. (a) The Administrator is hereby authorized to require Federal agencies to report on their activities under the provisions of this title and the Act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434), and, whenever he deems it necessary, to issue directions and regulations to carry out the provisions thereof, which shall be binding on all agencies.

"(b) The Administrator shall, whenever he finds that any provisions of this title have been or are being violated, inform in writing the head of the agency concerned of such violations and make recommendations regarding means of

correcting them. Unless corrective measures satisfactory to the Administrator are inaugurated within a reasonable time, the Administrator shall submit a written report thereon to the President and the Congress.

#### "LEGAL STATUS OF REPRODUCTIONS

"SEC. 507. (a) Whenever any records that are required by statute to be retained permanently have been reproduced by photographic, microphotographic, or other processes, in accordance with standards established by the Administrator, the permanent retention of such photographic, microphotographic, or other reproductions will be deemed to constitute compliance with the statutory requirement for the permanent retention of such original records. Such reproductions, as well as reproductions made in compliance with regulations promulgated to carry out this title, shall have the same legal status as the originals thereof.

"(b) There shall be an official seal for the National Archives of the United States which shall be judicially noticed. When any copy or reproduction, furnished under the terms hereof, is authenticated by such official seal and certified by the Administrator, such copy or reproduction shall be admitted in evidence equally with the original from which it was made.

"(c) The Administrator may charge a fee not in excess of 10 per centum above the costs or expenses for making or authenticating copies or reproductions of materials transferred to his custody. All such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund provided for in section 5 of the Act approved July 9, 1941. There shall be no charge for making or authenticating copies or reproductions of such materials for official use by the United States Government: *Provided*, That reimbursement may be accepted to cover the cost of furnishing such copies or reproductions that could not otherwise be furnished.

#### "LIMITATION ON LIABILITY

"SEC. 508. With respect to letters and other intellectual productions in the custody or possession of the Administrator, neither the United States nor its agents shall be liable for any infringement of literary property rights or analogous rights arising out of use of such materials for display, inspection, research, reproduction, or other purposes.

#### "DEFINITIONS

"SEC. 509. When used in this title—

"(a) The term 'records center' means an establishment maintained by the Administrator or by an agency primarily for the storage, servicing, security, and processing of records that must be preserved for varying periods of time and need not be retained in office equipment and space.

"(b) The term 'servicing' means making available for use information in records and other materials in the custody of the Administrator—

"(1) by furnishing such records or other materials, or information from such records or other materials, or copies or reproductions thereof to agencies of the Government for official use and to the public; and

"(2) by making and furnishing authenticated or unauthenticated copies or reproductions of such records and other materials.

"(c) The term 'Archivist' means the Archivist of the United States.

#### "SHORT TITLE

"SEC. 510. This title may be cited as the 'Federal Records Act of 1950.'"

SEC. 2. That all laws or parts of laws conflicting with the provisions of this Act are to the extent of such conflict repealed.

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[H. R. 8890, 81st Cong., 2d sess.]

A BILL To amend the Federal Property and Administrative Services Act of 1949 so as to make applicable to the Government Printing Office the provisions of section 306 thereof, relating to the power to remit, where just and equitable, the whole or any part of liquidated damages under contracts

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That subsection (a) of section 309 of the

Federal Property and Administrative Services Act of 1949 is hereby amended, as of June 30, 1949, by striking out the period at the end of such subsection and inserting a semicolon and the following: "and for the purpose of section 396 of this title such term includes the head of the Government Printing Office."

[H. R. 9129, 81st Cong., 2d sess.]

[Omit the part in black brackets and insert the part printed in italic]

A BILL To amend the Federal Property and Administrative Services Act of 1949, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the parenthetical expression appearing in clause (1) of the final sentence of subsection (a) of section 109 of the Federal Property and Administrative Services Act of 1949 (Public Law 152, Eighty-first Congress) is amended to read as follows:

"(including the purchase from or through the Public Printer, for warehouse issue, of standard forms, blankbook work, standard specifications, and other printed material in common use by Federal agencies not available through the Superintendent of Documents)."

SEC. 2. (a) Clause (2) of the final sentence of subsection (a) of section 109 of the Federal Property and Administrative Services Act of 1949, as hereinbefore amended, is amended to read as follows: "(2) for paying the purchase price, transportation to first storage point of supplies and services, and the cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property."

(b) The third sentence of subsection (b) of section 109 of such Act is amended to read as follows: "On and after such date such prices shall be fixed at levels so as to recover so far as practicable the applicable purchase price, the transportation cost to first storage point, inventory losses, the cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property, and the cost of amortization and repair of equipment utilized for lease or rent to executive agencies."

(c) The amendments made by this section shall be effective on the date, not earlier than July 1, 1950, on which the Administrator of General Services shall determine that appropriated funds adequate to effectuate the purposes of such amendments have been made available.

SEC. 3. (a) The final sentence of subsection (b) of section 109 of the Federal Property and Administrative Services Act of 1949 is amended to read as follows: "Where an advance of funds is not made, the General Services Administration shall be reimbursed promptly out of funds of the requisitioning agency in accordance with accounting procedures approved by the Comptroller General: *Provided*, That in any case where payment shall not have been made by the requisitioning agency within forty-five days after the date of billing by the Administrator or the date on which an actual liability for supplies or services is incurred by the Administrator, whichever is the latter, reimbursement may be obtained by the Administrator by the issuance of transfer and counterwarrants, or other lawful transfer documents, supported by itemized invoices."

(b) Section 109 of the Federal Property and Administrative Services Act of 1949 is amended by adding at the end thereof the following new subsection:

"(g) The Administrator of General Services is authorized in his discretion to charge vendors and producers of commodities considered for purchase such fees as he shall determine to be reasonable for testing such commodities for conformance to specifications and standards, and such fees may be deposited in the General Supply Fund and used to defray the expenses of conducting such tests as the Administrator may prescribe."

SEC. 4. Paragraphs (1) and (2) of section 203 (j) of the Federal Property and Administrative Services Act of 1949 are amended to read as follows:

"(1) Under such regulations as he may prescribe the Administrator is authorized in his discretion to donate for educational purposes or public health purposes, including research, in the States, Territories, and possessions without cost (except for costs of care and handling) such equipment, materials, books, or other supplies under the control of any executive agency as shall have been determined to be surplus property and which shall have been determined under paragraph (2) or paragraph (3) of this subsection to be usable and necessary for educational purposes or public health purposes, including research.



"(2) Determination whether such surplus property (except surplus property donated in conformity with paragraph (3) of this subsection) is usable and necessary for educational purposes or public health purposes, including research, shall be made by the Federal Security Administrator, who shall allocate such property on the basis of needs and utilization for transfer by the Administrator of General Services to tax-supported medical institutions, hospitals, clinics, health centers, school systems, schools, colleges, and universities, and to other nonprofit medical institutions, hospitals, clinics, health centers, schools, colleges, and universities which have been held exempt from taxation under section 101 (6) of the Internal Revenue Code, or to State departments of education or health for distribution to such tax-supported and nonprofit medical institutions, hospitals, clinics, health centers, school systems, schools, colleges, and universities; except that in any State where another agency is designated by State law for such purpose such transfer shall be made to said agency for such distribution within the State."

SEC. 5. The Federal Property and Administrative Services Act of 1949 is amended by—

(a) redesignating section 210 thereof as section 212, and wherever such section number appears in such Act as originally enacted, it is amended to conform to the redesignation prescribed by this subsection;

(b) inserting in the table of contents appearing in the first section of such Act, immediately after the line in which "Sec. 209." appears, the following:

"Sec. 210. Operation of buildings and related activities.

"Sec. 11. Motor vehicle identification."

(c) inserting, immediately after section 209 thereof, the following new sections:

"OPERATION OF BUILDINGS AND RELATED ACTIVITIES

"SEC. 210. (a) Whenever and to the extent that the Administrator has been or hereafter may be authorized by any provision of law other than this subsection to maintain, operate, and protect any building, property, or grounds situated in or outside the District of Columbia, including the construction, repair, preservation, demolition, furnishing, and equipment thereof, he is authorized in the discharge of the duties so conferred upon him—

"(1) to purchase, repair, and clean uniforms for civilian employees of the General Services Administration who are required by law or regulation to wear uniform clothing;

"(2) to furnish arms and ammunition for the protection force maintained by the General Service Administration;

"(3) to pay ground rent for buildings owned by the United States or occupied by Federal agencies, and to pay such rent in advance when required by law or when the Administrator shall determine such action to be in the public interest;

"(4) to employ and pay personnel employed in connection with the functions of operation, maintenance, and protection of property at such per diem rates as may be approved by the Administrator, not exceeding rates currently paid by private industry for similar services in the place where such services are performed;

"(5) without regard to the provisions of section 322 of the Act of June 30, 1932 (47 Stat. 412), as amended, to pay rental, and to make repairs, alterations, and improvements under the terms of any lease entered into by, or [transfer] transferred to, the General Service Administration for the housing of any Federal agency which on June 30, 1950, was specifically exempted by law from the requirements of said section;

"(6) to obtain payments, through advances or otherwise, for services, space, quarters, maintenance, repair, or other facilities furnished, on a reimbursable basis, to any other Federal agency, or any mixed-ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, and to credit such payments to the applicable appropriation of the General Services Administration;

"(7) to make changes in, maintain, and repair the pneumatic tube system connecting buildings owned by the United States or occupied by Federal agencies in New York City installed under franchise of the city of New York, approved June 29, 1909, and June 11, 1928, and to make payments of any obligations arising thereunder in accordance with the provisions of the Acts approved August 5, 1909 (36 Stat. 120), and May 15, 1928 (45 Stat. 533);



"(8) to repair, alter, and improve rented premises without regard to the 25 per centum limitation of section 322 of the Act of June 30, 1932 (47 Stat. 412), as amended, upon a determination by the Administrator that by reason of circumstances set forth in such determination the execution of such work, without reference to such limitation, is advantageous to the Government in terms of economy, efficiency, or national security: *Provided, That such determination shall show that the total cost (rentals, repairs, alterations, and improvements) to the Government for the expected life of the lease shall be less than the cost of alternative space which needs no such repairs, alterations, or improvements.* A copy of every such determination shall be furnished to the General Accounting Office;

"(9) to pay sums in lieu of taxes on real property declared surplus by Government corporations, pursuant to the Surplus Property Act of 1944, where legal title to such property remains in any such Government corporation:

"(10) to furnish utilities and other services where such utilities and other services are not provided from other sources to persons, firms, or corporations occupying or utilizing plants or portions of plants which constitute (A) a part of the National Industrial Reserve pursuant to the National Industrial Reserve Act of 1948, or (B) surplus real property, and to credit the amounts received therefrom to the applicable appropriation of the General Services Administration;

"(11) at the direction of the Secretary of Defense, to use proceeds received from insurance against damage to properties of the National Industrial Reserve for repair or restoration of the damaged properties; and

"(12) to acquire, by purchase, condemnation, or otherwise, real estate and interests therein.

"(b) At the request of any Federal agency or any mixed-ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, the Administrator is hereby authorized to operate, maintain, and protect any building owned by the United States (or, in the case of any wholly owned or mixed-ownership Government corporation, by such corporation) and occupied by the agency or instrumentality making such request.

"(c) At the request of any Federal agency or any mixed-ownership corporation (as defined in the Government Corporation Control Act), the District of Columbia, the Administrator is hereby authorized (1) to acquire land for buildings and projects authorized by the Congress; (2) to make or cause to be made, under contract or otherwise, surveys and test borings and to prepare plans and specifications for such buildings and projects prior to the approval by the Attorney General of the title to the sites thereof; and (3) to contract for, and to supervise, the construction and development and the equipping of such buildings or projects. Any sum available to any such Federal agency or instrumentality for any such building or project may be transferred by such agency to the General Services Administration in advance for such purposes as the Administrator shall determine to be necessary, including the payment of salaries and expenses of personnel engaged in the preparation of plans and specifications or in field supervision, and for general office expenses to be incurred in the rendition of any such service.

"(d) Whenever the Director of the Bureau of the Budget shall determine such action to be in the interest of economy or efficiency, he shall transfer to the Administrator all functions then vested in any other Federal agency with respect to the operation, maintenance, and custody of any office building owned by the United States or any wholly owned Government corporation, or any office building or part thereof occupied by any Federal agency under any lease, except that no transfer shall be made under this subsection—

"(1) of any post-office building unless the Director shall first determine that such building is not used predominantly for post-office purposes, and functions which are transferred hereunder to the Administrator with respect to any post-office building may be delegated by him only to another officer or employee of the General Services Administration or to the Postmaster General;

"(2) of any building located in any foreign country;

"(3) of any building located on the grounds of any fort, camp, post, arsenal, navy yard, naval training station, airfield, proving ground, military supply depot, or school, or of any similar facility of the Department of Defense, unless and to such extent as a permit for its use by another agency or agencies shall have been issued by the Secretary of Defense or his duly authorized representative;

"(4) of any building which the Director of the Bureau of the Budget finds to be a part of a group of buildings which are (A) located in the same vicinity, (B) utilized wholly or predominantly for the special purposes of the agency having custody thereof, and (C) not generally suitable for the use of other agencies;

"(5) of the Treasury Building, the Bureau of Engraving and Printing Building, the buildings occupied by the National Bureau of Standards, and the buildings under the jurisdiction of the regents of the Smithsonian Institution; or

"(6) of the office buildings of the Senate and House of Representatives, the building occupied by the Supreme Court of the United States, the buildings occupied by the Library of Congress and the Columbia Hospital in the District of Columbia, and any other buildings and grounds under the jurisdiction of the Architect of the Capitol.

#### "MOTOR VEHICLE IDENTIFICATION

"SEC. 211. Under regulations prescribed by the Administrator, every motor vehicle acquired and used for official purposes within the United States, its Territories, or possessions, by any Federal agency or the District of Columbia shall be conspicuously identified by showing thereon either (a) the full name of the department, establishment, corporation, or agency by which it is used and the service in which it is used, or (b) a title descriptive of the service in which it is used if such title readily identifies the department, establishment, corporation, or agency concerned: *Provided*, That the regulations issued pursuant to this section may provide for exemptions from the requirement of this section when conspicuous identification would interfere with the purpose for which a vehicle is acquired and used."

SEC. 6. The Federal Property and Administrative Services Act of 1949 is amended by—

(a) redesignating "title V" of such Act as "title VI" thereof, and "title V," wherever it appears therein, is amended to read "title VI";

(b) redesignating sections 501–505, inclusive, of such Act, respectively, as sections 601–605, inclusive, thereof, and wherever any such section number appears in such Act as originally enacted, it is amended to conform in numbering to the redesignation prescribed by this subsection;

(c) inserting at the proper place in the table of contents to such Act the following:

#### "TITLE V—FEDERAL RECORDS

"Sec. 501. Short title.

"Sec. 502. Custody and control of property.

"Sec. 503. National Historical Publications Commission.

"Sec. 504. Federal Records Council.

"Sec. 505. Records management; the Administrator.

"Sec. 506. Records management; agency heads.

"Sec. 507. Archival administration.

"Sec. 508. Reports.

"Sec. 509. Legal status of reproductions.

"Sec. 510. Limitation on liability.

"Sec. 511. Definitions."

(d) inserting, immediately following title IV thereof, the following new title:

#### "TITLE V—FEDERAL RECORDS

##### "SHORT TITLE

"SEC. 501. This title may be cited as the 'Federal Records Act of 1950'.

##### "CUSTODY AND CONTROL OF PROPERTY

"SEC. 502. The Administrator shall have immediate custody and control of the National Archives Building and its contents, and shall have authority to design, construct, purchase, lease, maintain, operate, protect, and improve buildings used by him for the storage of records of Federal agencies in the District of Columbia and elsewhere.

##### "NATIONAL HISTORICAL PUBLICATIONS COMMISSION

"SEC. 503. (a) There is hereby created a National Historical Publications Commission consisting of the Archivist (or an alternate designated by him), who shall be Chairman; the Librarian of Congress (or an alternate designated by

him); one Member of the United States Senate to be appointed, for a term of four years, by the President of the Senate; one Member of the House of Representatives to be appointed, for a term of two years, by the Speaker of the House of Representatives; one representative of the judicial branch of the Government to be appointed, for a term of four years, by the Chief Justice of the United States; one representative of the Department of State to be appointed, for a term of four years, by the Secretary of State; one representative of the Department of Defense to be appointed, for a term of four years, by the Secretary of Defense; two members of the American Historical Association to be appointed *by the council of the said association*, one of whom shall serve an initial term of two years and the other an initial term of three years, but their successors shall be appointed for terms of four years; and two other members outstanding in the fields of the social or physical sciences to be appointed by the President of the United States, one of whom shall serve an initial term of one year and the other an initial term of three years, but their successors shall be appointed for terms of four years. The Commission shall meet annually and on call of the Chairman.

"(b) Any person appointed to fill a vacancy in the membership of the Commission shall be appointed only for the unexpired term of the member whom he shall succeed, and his appointment shall be made in the same manner in which the appointment of his predecessor was made.

"(c) The Commission is authorized to appoint, without reference to the Classification Act of 1949 (Public Law 429, 81st Congress, approved October 28, 1949), an executive director and such editorial and clerical staff as the Commission may determine to be necessary. Members of the Commission who represent any branch or agency of the Government shall serve as members of the Commission without additional compensation. All members of the Commission shall be reimbursed for transportation expenses incurred in attending meetings of the Commission, and all such members other than those who represent any branch or agency of the Government of the United States shall receive in lieu of subsistence en route to or from or at the place of such service, for each day actually spent in connection with the performance of their duties as members of such Commission, such sum, not to exceed \$25, as the [Administrator] *Commission* shall prescribe.

"(d) The Commission shall make plans, estimates, and recommendations for such historical works and collections of sources as it deems appropriate for printing or otherwise recording at the public expense. The Commission shall also cooperate with and encourage appropriate Federal, State, and local agencies and nongovernmental institutions, societies, and individuals in collecting and preserving and, when it deems such action to be desirable, in editing and publishing the papers of outstanding citizens of the United States and such other documents as may be important for an understanding and appreciation of the history of the United States. The Chairman of the Commission shall transmit to the Administrator from time to time, and at least once annually, such plans, estimates, and recommendations as have been approved by the Commission.

#### "FEDERAL RECORDS COUNCIL

"Sec. 504. The Administrator shall establish a Federal Records Council, and shall advise and consult with the Council with a view to obtaining its advice and assistance in carrying out the purposes of this title. The Council shall include representatives of the legislative, judicial, and executive branches of the Government in such number as the Administrator shall determine, but such Council shall include at least four representatives of the legislative branch, at least two representatives of the judicial branch, and at least six representatives of the executive branch. Members of the Council representing the legislative branch shall be designated, in equal number, by the President of the Senate and the Speaker of the House of Representatives, *respectively*. Members of the Council representing the judicial branch shall be designated by the Chief Justice of the United States. The Administrator is authorized to designate from persons named by the head of any executive agency concerned, not more than one representative from such agency to serve as a member of the Council. Members of the Council shall serve without compensation, but shall be reimbursed for all necessary expenses actually incurred in the performance of their duties as members of the Council. The Council shall elect a chairman from among its own membership, and shall meet at least once annually.



## "RECORDS MANAGEMENT; THE ADMINISTRATOR

"SEC. 505. (a) The Administrator shall make provisions for the economical and efficient management of records of Federal agencies (1) by analyzing, developing, promoting, and coordinating standards, procedures, and techniques designed to improve the management of records, to insure the maintenance and security of records deemed appropriate for preservation, and to facilitate the segregation and disposal of records of temporary value, and (2) by promoting the efficient and economical utilization of space, equipment, and supplies needed for the purpose of creating, maintaining, storing, and servicing records.

"(b) The Administrator shall establish standards for the selective retention of records of continuing value, and assist Federal agencies in applying such standards to records in their custody; and he shall notify the head of any Federal agency of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of such agency that shall come to his attention, and assist the head of such agency in initiating action through the Attorney General for the recovery of such records as shall have been unlawfully removed and for such other redress as may be provided by law.

"(c) The Administrator is authorized to inspect or survey personally or by deputy the records of any Federal agency, as well as to make surveys of records management and records disposal practices in such agencies, and shall be given the full cooperation of officials and employees of agencies in such inspections and surveys: *Provided*, That records, the use of which is restricted by or pursuant to law or for reasons of national security or the public interest, shall be inspected or surveyed in accordance with regulations promulgated by the Administrator, subject to the approval of the head of the custodial agency.

"(d) The Administrator is authorized to establish, maintain, and operate records centers for the storage, processing, and servicing of records for Federal agencies pending their deposit with the National Archives of the United States or their disposition in any other manner authorized by law; and to establish, maintain, and operate centralized microfilming services for Federal agencies.

"(e) Subject to applicable provisions of law, the Administrator shall promulgate regulations governing the transfer of records from the custody of one executive agency to that of another.

"(f) The Administrator may empower any Federal agency, upon the submission of evidence of need therefor, to retain records for a longer period than that specified in disposal schedules approved by Congress, and, in accordance with regulations promulgated by him, may withdraw disposal authorizations covering records listed in disposal schedules approved by Congress.

## "RECORDS MANAGEMENT; AGENCY HEADS

"SEC. 506. (a) The head of each Federal agency shall cause to be made and preserved records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities.

"(b) The head of each Federal agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency. Such program shall, among other things, provide for (1) effective controls over the creation, maintenance, and use of records in the conduct of current business; (2) cooperation with the Administrator in applying standards, procedures, and techniques designed to improve the management of records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records of temporary value; and (3) compliance with the provisions of this title and the regulations issued thereunder.

"(c) Whenever the head of a Federal agency determines that substantial economies or increased operating efficiency can be effected thereby, he shall provide for the storage, processing, and servicing of records that are appropriate therefor in a records center maintained and operated by the Administrator or, when approved by the Administrator, in such a center maintained and operated by the head of such Federal agency.

"(d) Any official of the Government who is authorized to certify to facts on the basis of records in his custody, is hereby authorized to certify to facts



on the basis of records that have been transferred by him or his predecessors to the Administrator.

"(e) The head of each Federal agency shall establish such safeguards against the removal or loss of records as he shall determine to be necessary and as may be required by regulations of the Administrator. Such safeguards shall include making it known to all officials and employees of the agency (1) that no records in the custody of the agency are to be alienated or destroyed except in accordance with the provisions of the Act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434), and (2) the penalties provided by law for the unlawful removal or destruction of records.

"(f) The head of each Federal agency shall notify the Administrator of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency of which he is the head that shall come to his attention, and with the assistance of the Administrator shall initiate action through the Attorney General for the recovery of records he knows or has reason to believe have been unlawfully removed from his agency, or from any other Federal agency whose records have been transferred to his legal custody.

"(g) Nothing in this title shall be construed as limiting the authority of the Comptroller General of the United States with respect to prescribing accounting systems, forms, and procedures, or lessening the responsibility of collecting and disbursing officers for rendition of their accounts for settlement by the General Accounting Office.

#### "ARCHIVAL ADMINISTRATION

"SEC. 507. (a) The Administrator, whenever it appears to him to be in the public interest, is hereby authorized—

"(1) to accept for deposit with the National Archives of the United States the records of any Federal agency or of the Congress of the United States that are determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government;

"(2) to direct and effect, with the approval of the head of the originating agency (or if the existence of such agency shall have been terminated, then with the approval of his successor in function, if any), the transfer of records deposited (or approved for deposit) with the National Archives of the United States to public or educational institutions or associations: *Provided*, That the title to such records shall remain vested in the United States unless otherwise authorized by Congress; and

"(3) to direct and effect the transfer of materials from private sources authorized to be received by the Administrator by the provisions of subsection (c) of this section.

"(b) The Administrator shall be responsible for the custody, use, and withdrawal of records transferred to him: *Provided*, That whenever any records the use of which is subject to statutory limitations and restrictions are so transferred, permissive and restrictive statutory provisions with respect to the examination and use of such records applicable to the head of the agency from which the records were transferred or to employees of that agency shall thereafter likewise be applicable to the Administrator, the Archivist, and to the employees of the General Services Administration, respectively: *Provided further*, That whenever the head of any agency shall specify in writing restrictions that appear to him to be necessary or desirable in the public interest, on the use or examination of records being considered for transfer from his custody to the Administrator, the Administrator shall impose such restrictions on the records so transferred, and shall not remove or relax such restrictions without the concurrence in writing of the head of the agency from which the material shall have been transferred (or if the existence of such agency shall have been terminated, then he shall not remove or relax such restrictions without the concurrence of the successor in function, if any, of such agency head): *Provided, however*, That statutory and other restrictions referred to in the provisos of this subsection shall not remain in force or effect after the records have been in existence for fifty years unless the Administrator by order shall determine with respect to specific bodies of records that such restrictions shall remain in force and effect for a longer period: *And provided further*, That restrictions on the use or examination of records deposited with the National Archives of the United States heretofore imposed and now in force and effect under the terms

of section 3 of the National Archives Act, approved June 19, 1934, shall continue in force and effect regardless of the expiration of the tenure of office of the official who imposed them but may be removed or relaxed by the Administrator with the concurrence in writing of the head of the agency from which material has been transferred (or if the existence of such agency shall have been terminated, then with the concurrence in writing of his successor in function, if any).

"(c) The Administrator shall make provisions for the preservation, arrangement, repair and rehabilitation, duplication and reproduction (including microcopy publications), description, and exhibition of records transferred to him as may be needful or appropriate, including the preparation and publication of inventories, indexes, catalogs, and other finding aids or guides facilitating their use; and, when approved by the National Historical Publications Commission, he may also publish such historical works and collections of sources as seem appropriate for printing or otherwise recording at the public expense.

"(d) The Administrator shall make such provisions and maintain such facilities as he deems necessary or desirable for servicing records in his custody that are not exempt from examination by statutory provisions or other restrictions.

"(e) The Administrator may accept for deposit—

"(1) the personal papers and other personal historical documentary materials of the present President of the United States, his successors, heads of executive departments, and such other officials of the Government as the President may designate, offered for deposit under restrictions respecting their use specified in writing by the prospective depositors: *Provided*, That restrictions so specified on such materials, or any portions thereof, accepted by the Administrator for such deposit shall have force and effect during the lifetime of the depositor or for a period not to exceed twenty-five years, whichever is longer, unless sooner terminated in writing by the depositor or his legal heirs: *And provided further*, That the Archivist determines that the materials accepted for such deposit will have continuing historical or other values;

"(2) motion-picture films, still pictures, and sound recordings from private sources that are appropriate for preservation by the Government as evidence of its organization, functions, policies, decisions, procedures, and transactions.

Title to materials so deposited under this subsection shall pass to and vest in the United States.

"(f) The Administrator is hereby authorized to make and preserve motion-picture films, still pictures, and sound recordings pertaining to and illustrative of the historical development of the United States Government and its activities, and to make provisions for preparing, editing, titling, scoring, processing, duplicating, reproducing, exhibiting, and releasing for nonprofit educational purposes, motion-picture films, still pictures, and sound recordings in his custody.

#### "REPORTS

"SEC. 508. (a) The Administrator is hereby authorized, whenever he deems it necessary, to obtain reports from Federal agencies on their activities under the provisions of this title and the Act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434).

"(b) The Administrator shall, whenever he finds that any provisions of this title have been or are being violated, inform in writing the head of the agency concerned of such violations and make recommendations regarding means of correcting them. Unless corrective measures satisfactory to the Administrator are inaugurated within a reasonable time, the Administrator shall submit a written report thereon to the President and the Congress.

#### "LEGAL STATUS OF REPRODUCTIONS

"SEC. 509. (a) Whenever any records that are required by statute to be retained indefinitely have been reproduced by photographic, microphotographic, or other processes, in accordance with standards established by the Administrator, the indefinite retention of such photographic, microphotographic, or other reproductions will be deemed to constitute compliance with the statutory requirement for the indefinite retention of such original records. Such reproductions, as well as reproductions made in compliance with regulations promulgated to carry out this title, shall have the same legal status as the original thereof.

"(b) There shall be an official seal for the National Archives of the United States which shall be judicially noticed. When any copy or reproduction, fur-

nished under the terms hereof, is authenticated by such official seal and certified by the Administrator, such copy or reproduction shall be admitted in evidence equally with the original from which it was made.

"(c) The Administrator may charge a fee not in excess of 10 per centum above the costs or expenses for making or authenticating copies or reproductions of materials transferred to his custody. All such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund provided for in section 5 of the Act approved July 9, 1941. There shall be no charge for making or authenticating copies or reproductions of such materials for official use by the United States Government: *Provided*, That reimbursement may be accepted to cover the cost of furnishing such copies of reproduction that could not otherwise be furnished.

#### "LIMITATION ON LIABILITY

"SEC. 510. With respect to letters and other intellectual productions (exclusive of material copyrighted or patented) after they come into the custody or possession of the Administrator, neither the United States nor its agents shall be liable for any infringement of literary property rights or analogous rights arising thereafter out of use of such materials for display, inspection, research, reproduction, or other purposes.

#### "DEFINITIONS

"SEC. 511. When used in this title—

"(a) The term 'records' shall have the meaning given to such term by section 1 of the Act entitled 'An Act to provide for the disposal of certain records of the United States Government,' approved July 7, 1943 (57 Stat. 380, as amended; 44 U. S. C. 366);

"(b) The term 'records center' means an establishment maintained by the Administrator or by a Federal agency primarily for the storage, servicing, security, and processing of records that must be preserved for varying periods of time and need not be retained in office equipment and space;

"(c) The term 'servicing' means making available for use information in records and other materials in the custody of the Administrator—

"(1) by furnishing such records or other materials, or copies or reproductions thereof to agencies of the Government for official use and to the public; and

"(2) by making and furnishing authenticated or unauthenticated copies or reproductions of such records and other materials;

"(d) The term 'National Archives of the United States' means those official records that have been determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government, and have been accepted by the Administrator for deposit in his custody;

"(e) The term 'unauthenticated copies' means exact copies of reproductions of records or other materials that are not certified as such under seal and that need not be legally accepted as evidence; and

"(f) The term 'Archivist' means the Archivist of the United States."

SEC. 7. The Federal Property and Administrative Services Act of 1949 is further amended by—

(a) striking out the word "and" preceding "(2)" in subsection (d) of section 3 thereof; substituting a semicolon for the period at the end of said subsection; and adding at the end of such subsection the following: "and (3) records of the Federal [government];" *Government*."

(b) striking out, in section 208 (a) thereof, the expression "and V", inserting in lieu thereof the expression "V, and VI";

(c) striking out, in section 208 (b) thereof, the expression "and V", and inserting in lieu thereof the expression "V, and VI";

(d) striking out the word "and" at the end of paragraph (30) of section 602 (a); striking out the period at the end of paragraph (31) of section 602 (a) and inserting in lieu thereof a semicolon; and adding at the end of section 602 (a) the following new paragraphs:

"(32) the Act entitled 'An Act to establish a National Archives of the United States Government, and for other purposes', approved June 19, 1934 (48 Stat. 1122-1124; 1122-1124, as amended; 44 U. S. C. 300, 300a, [300c-k;] 300c-k); and

"(33) section 4 of the Act of February 3, 1905 (33 Stat. 687, as amended; 5 U. S. C. 77)."



(e) amending subsections 602 (b) and (c) thereof to read as follows:

“(b) There are hereby superseded—

“(1) the provisions of the first, third, and fifth paragraphs of section 1 of Executive Order Numbered 6166 of June 10, 1933, insofar as they relate to any function now administered by the Bureau of Federal Supply except functions with respect to standard contract forms; and

“(2) sections 2 and 4 of the Act entitled ‘An Act to provide for the disposal of certain records of the United States Government’, approved July 7, 1943 (57 Stat. 381, as amended; 44 U. S. C. 367 and 369), to the extent that the provisions thereof are inconsistent with the provisions of title ~~W~~ of this Act.

“(c) The authority conferred by this Act shall be in addition and paramount to any authority conferred by any other law and shall not be subject to the provisions of any law inconsistent herewith, except that sections 205 (b) and 206 (c) of this Act shall not be applicable to any Government corporation or agency which is subject to the Government Corporation Control Act (59 Stat. 597; 31 U. S. C. 841).”

(f) amending paragraphs (17), (18), and (19) of section 602 (d) thereof to read as follows:

“(17) the Central Intelligence Agency; [or]

“(18) the Joint Committee on Printing, under the Act entitled ‘An Act providing for the public printing and binding and the distribution of public documents’ approved January 12, 1895 (28 Stat. 601), as amended, or any other Act; or

“(19) for such period of time as the President may specify, any other authority of any executive agency which the President determines within one year after the effective date of this Act should, in the public interest, stand unimpaired by this Act.”

(g) striking out the period at the end of section 603 (a) thereof and inserting in lieu thereof a comma and the following: “including payment in advance, when authorized by the Administrator, for library memberships in societies whose publications are available to members only, or to members at a price lower than that charged to the general public.”

SEC. 8. (a) Subsection 3 (b) of the Federal Property and Administrative Services Act of 1949 is amended to read as follows:

“(b) The term ‘Federal agency’ means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction).”

(b) Section 201 (b) of the Federal Property and Administrative Services Act of 1949 is amended by striking out the expression “or the Senate, or the House of Representatives.”

(c) Section 602 of the Federal Property and Administrative Services Act of 1949 is amended by redesignating subsection (e) thereof as subsection (f), and inserting, immediately after subsection (d) thereof, the following new subsection:

“(e) No provision of this Act as originally enacted or as herein amended shall apply to the Senate or the House of Representatives (including the Architect of the Capitol and any building, activity, or function under his direction), but any of the services and facilities authorized by this Act to be rendered or furnished shall, as far as practicable, be made available to the Senate, the House of Representatives, or the Architect of the Capitol, upon their request, and, if payment would be required for the rendition or furnishing of a similar service or facility to an executive agency; payment therefor shall be made by the recipient thereof, upon presentation of proper vouchers, in advance or by reimbursement (as may be agreed upon by the Administrator and the officer or body making such request). Such payment may be credited to the applicable appropriation of the executive agency receiving such payment.”

SEC. 9. The Federal Property and Administrative Services Act of 1949, section 205 (h), is hereby amended by striking out the last word of the sentence, “Title”, and inserting in lieu thereof the word “Act”.

SEC. 10. (a) Whenever any contract made on behalf of the Government by the head of any Federal agency, or by officers authorized by him to do so, includes a provision for liquidated damages for delay, the Comptroller General upon recommendation of such head is authorized and empowered to remit the whole or any part of such damages as in his discretion may be just and equitable.



(b) Section 306 of the Federal Property and Administrative Services Act of 1949 is hereby repealed, and this section shall be effective as of July 1, 1949.

SEC. 11. All laws or parts of laws in conflict with the amendments made by this Act are, to the extent of such conflict, hereby repealed.

Mr. HOLIFIELD. Mr. Elliott, the general counsel of the General Services Administration, is first on the list.

Mr. Elliott, would you like to introduce Mr. Forbes?

**STATEMENTS OF RUSSELL FORBES, DEPUTY ADMINISTRATOR; MAXWELL H. ELLIOTT, GENERAL COUNSEL; HARRY KURTH, ASSISTANT TO THE COMMISSIONER, FEDERAL SUPPLY SERVICE; ROBERT JENNINGS, PUBLIC BUILDINGS SERVICE, GENERAL SERVICES ADMINISTRATION; AND RAY WARD, CHIEF, GENERAL SERVICES GROUP, BUREAU OF THE BUDGET**

Mr. ELLIOTT. Yes, Mr. Chairman. I would like to introduce Mr. Russell Forbes to this committee. Mr. Forbes is the Deputy Administrator and is Acting Administrator during Mr. Larson's absence in Europe.

Mr. HOLIFIELD. Are you going to present the testimony on this bill? Or Mr. Forbes? How do you intend to handle it?

Mr. Forbes, did you care to say something to begin with?

Mr. FORBES. The only thing I would say, Mr. Chairman and gentlemen, is that in behalf of the GSA, I would like to put in the record our expression of appreciation to you and your staff and the members of the committee for the very fine cooperation we have had in connection with this and other legislation which affects us. Our staffs have been working together most harmoniously and cooperatively, and I think we are making headway.

This legislation, Mr. Chairman, that is before your committee for consideration is intended to support and to a certain extent assist in the implementation of Public Law 152. As far as real property management is concerned, it consists almost entirely of reducing to substantive legislation the provisions which were previously carried in appropriation bills. On records management, we are suggesting a short definition of the purpose of records management and ways and means for implementing our proposed program and strengthening what was merely sketched out in very general form in Public Law 152. With respect to the general supply fund, the amendments that we advocate, I think, can be characterized as changes which would bring the operation of that fund rather closely to the type of simple business-like practices which any of us, if we were in private business, would want to have as our operating procedure.

Mr. HOLIFIELD. However, you presented that plan to the Appropriations Committee many times, and it has been turned down, has it not?

Mr. FORBES. No, sir.

Mr. HOLIFIELD. That is, an increase in the fund has been turned down?

Mr. FORBES. There has never been a presentation of this type of amendment hitherto.

Mr. HARVEY. Might I ask, just for clarification, what particular amendment you refer to?

Mr. HOLIFIELD. The supply fund amendment.

Mr. FORBES. The amendments to section 109 of Public Law 152.

Mr. HOLIFIELD. It provides now for a \$75,000,000 ceiling.

My understanding was that the Federal Supply people have frequently proposed to the Appropriations Committee or to the Budget, possibly, that they be allowed to lift their supply fund from \$10,000,000 to a higher sum, and recently they were granted a \$4,000,000 increase; and the Appropriations Committee has been loath to increase the amount of operating capital.

Mr. FORBES. There have been several requests made to Appropriations Committees. I cannot recall any case where there was an outright disapproval of the request. In some previous years, the amount requested has been cut down. However, the amendments that we are proposing in this legislation, the elimination of the surcharge, the idea of having some sensible business-like way of increasing the fund as our needs arise, in lieu of having to send in repetitive requests for supplemental or regular appropriations, have never hitherto been presented to the Congress.

Mr. HARVEY. Right along that line, would you yield? The theory, as I get it, is that you want a revolving fund to handle the distribution of surplus products.

Mr. FORBES. We want a revolving fund to enable us to finance purchases where it is deemed advisable, and where we can demonstrate an economy, when market conditions are right, and also to finance our stores operation, as to the purchase and distribution of common-use items.

Mr. HARVEY. Then, this is not dealing with surplus at all?

Mr. FORBES. No.

Mr. HARVEY. It has entirely to do with purchasing the housekeeping necessities for the Government?

Mr. FORBES. Right.

Mr. HARVEY. And you want a fund that will enable you to buy quantities and then transfer them, we will say, to the Department of Agriculture, and be reimbursed from them; so that the fund will be a revolving fund. Is that the idea?

Mr. FORBES. That is right.

Mr. HARVEY. And you hope in that manner, once the fund is established, to keep it intact. That is, it will not, theoretically at least, depreciate, nor will personnel be paid out of that fund?

Mr. FORBES. This fund, Mr. Congressman, has been in existence since 1929. We are merely requesting here, on that point, a device whereby we can avoid coming to Congress each year and justifying a slight increase based on our program needs.

Mr. HARVEY. What is the fund now? How much is the fund?

Mr. FORBES. \$10,000,000.

Mr. HARVEY. And that is inadequate?

Mr. FORBES. That is inadequate.

Mr. HARVEY. Due to the added burdens placed upon General Services by Public Law 152?

Mr. FORBES. Right.

Mr. HARVEY. I was just trying to get a better background of the subject in point.

Mr. FORBES. With your permission, then, Mr. Chairman, I will turn over the matter to our general counsel, Mr. Elliott.

Mr. HOLIFIELD. All right. Thank you, Mr. Forbes.

Mr. FORBES. And from time to time, if I may, I will chime in with what I think is pertinent.

Mr. HOLIFIELD. Thank you, Mr. Forbes.

Now we will hear from Mr. Elliott. And as we only have one copy of the bill, the committee prints not having arrived yet, you can take the one copy and make a general summary of it as you go through it, Mr. Elliott.

**STATEMENT OF MAXWELL H. ELLIOTT, GENERAL COUNSEL,  
GENERAL SERVICES ADMINISTRATION**

Mr. ELLIOTT. All right, sir.

Pursuant to the instructions of this subcommittee, the staff of the subcommittee and representatives of our agency worked over the several bills, the House bills before the committee, with a view to getting up a new committee print for the consideration of you gentlemen.

In doing that, we changed the order somewhat that appeared in the several House bills, so that in developing this committee print we did it on the following organizational basis: We took the amendments in the order in which the original sections appear in the act itself, in the basic legislation. That is to say, we took first the amendments to section 109, because title I comes first, and then next we took the Public Buildings amendments, because they properly belong in title II, Property Management. And then last, we added a new title, title V, to cover records management, because that, in itself, is a program of sufficient magnitude to warrant a separate title from the property management title.

As I said, the first major portion of the bill is the amendments to section 109, which relates to the general supply fund, about which Mr. Forbes has spoken to you. There are two significant points in these amendments. One is the provision that Mr. Forbes mentioned, that would provide, within certain limitations and safeguards, automatic increases or decreases in the amount of capital of the general supply fund as time goes along, to meet the business needs of the Federal Government. Among the limitations are an over-all ceiling of \$75,000,000. It can never exceed that amount. Another limitation is that any increase must be approved by the Director of the Bureau of the Budget.

Mr. HOLIFIELD. That would also necessitate approval by the Appropriations Committee afterward?

Mr. ELLIOTT. No, sir; it would not. The framework of this, as it is drafted, contemplates that in advance of each fiscal year the Administrator shall file with the Secretary of the Treasury an estimate showing the cost of sales to be made through the general supply fund during the approaching fiscal year. That estimate must be approved by the Bureau of the Budget. When it has been so approved, and filed, the Secretary of the Treasury, on the request of the Administrator, is authorized and directed to credit the fund with moneys that will increase the fund to a sum not in excess of 25 percent of said estimate. The reason the 25 percent is taken is that they figure in normal business practice that your capital, or your goods, will turn over four times



during the year. So you need a working capital of 25 percent of your estimated gross business during the year.

Then there is a further proviso, that after the annual estimate is filed, if the capital exceeds 25 percent of the estimate—that is, the new amount that is requested, plus the amount that is in there, exceeds 25 percent of the estimate—then the excess will be turned back to the Treasury as miscellaneous receipts. And under another section of the bill, which I believe is 109 (e), the Comptroller General audits that account; and on the basis of his audit, not of our audit, there will be covered into the Treasury as miscellaneous receipts any surplus found.

Mr. HARVEY. What was that again? I did not get that last one. I guess I did not follow you.

Mr. ELLIOTT. Well, sir, when we file this annual estimate, if the capital in the general supply fund exceeds 25 percent of the estimate, the excess over 25 percent is returned to the Treasury as miscellaneous receipts, and the determination of the amount is made by the Comptroller General pursuant to the audit that he is required to make under 104 (e).

Mr. HARVEY. Well, give me a specific illustration, if you will, in terms of dollars and cents, so that we can tie it down to a specific illustration.

Would you mind, Mr. Chairman? I think it would be much more easily understood that way.

Mr. ELLIOTT. All right, Mr. Harvey. If it is agreeable, could Mr. Forbes answer that?

Mr. FORBES. As I stated at the opening of this hearing, this fund, the general supply fund, has been in existence since 1929. Each year it has been subject, in its operations, to audit by the Comptroller General of the United States. In each annual audit, the Comptroller General determines whether or not there is a surplus in the fund. In other words, have we accumulated more in issue prices of goods, or charges for purchases, than was necessary to carry the operating expenses? Those surpluses are transferred to miscellaneous receipts of the Treasury. And since 1929 there have been so transferred a total of \$3,8000,000. That amount has so been transferred to miscellaneous receipts.

Mr. HARVEY. That surplusage results from an estimate of the purchasing and processing costs, delivery to, in excess of what the actual cost was?

Mr. FORBES. That is right.

Mr. HARVEY. And then, instead of going through the laborious process of attempting to figure it back to the various agencies on a rebate basis, as a matter of simple bookkeeping, it is simpler to turn it back to the Treasury as a surplusage. Is that the theory? Is that what you are driving at?

Mr. FORBES. That is the theory; yes.

Mr. HARVEY. And, for example, if you had, we will say, \$8,000,000 tied up for your operating capital, and you would come up at the end of the year and show, instead of the original \$8,000,000 you started with, \$9,000,000, it would be automatically indicate that your operating expenses had not been as great as you had anticipated by a million dollars, and that million dollars would be refunded to the Treasury?



Mr. FORBES. Right.

Mr. HARVEY. Is that right now?

Mr. FORBES. That is right, yes.

Mr. HARVEY. That is what I am trying to get at.

Mr. FORBES. You understand, Mr. Harvey, that this fund is at all times intact, in the sense that accounts receivable, that is, the amount due from the agencies for bills that have been rendered, plus the amount of goods on hand, in storehouses, plus surplus that may be in the fund in dollars, at all times must equal the capital of the fund.

Mr. HARVEY. Well, you have to provide in there a little leeway, I should think, for spoilage and deterioration and loss, and so forth?

Mr. FORBES. We are so providing in another amendment here.

Mr. HARVEY. So that, with that taken into consideration, it should balance at all times.

Mr. FORBES. We are providing that, which is in line with commercial practice.

Mr. HARVEY. Has experience shown that your turn-over on the larger basis, as implied by Public Law 152, will be four times a year?

Mr. FORBES. It runs a little more than three times per year on the stores transactions. But on the purchase transactions which are financed from this fund, such as automobiles and refrigerators and items of a few specialized classes, the turn-over is greater; so that we think it will average four times per year, and that is why we suggest that.

Mr. HARVEY. Are you now buying all of the automobiles for all the civilian agencies?

Mr. FORBES. Commercial automobiles, in the sense of standard passenger cars and trucks. And we have also purchased for the Post Office.

Mr. HARVEY. That is what I was getting at. I was wondering if you had purchased for the Post Office.

Mr. FORBES. Trucks that are not commercial standard but have certain changes in specifications due to their particular requirements.

Mr. HOLIFIELD. All right.

Mr. FORBES. I just wanted to say, to supplement that, that whatever the capital of this fund is, it is never spent in the same way that appropriations for salaries are spent.

Mr. HOLIFIELD. In fact, you have a prohibition in here against paying out of the fund for your operation?

Mr. FORBES. What it actually amounts to, Mr. Chairman, is that we have a credit against the Treasury of the United States for a certain sum, which we can use for purposes of handling these stores and purchase transactions. The money is never actually spent out and dissipated. The only way in which it could be would be through a fire or a large theft, in which the capital would be reduced.

Mr. HOLIFIELD. How do you expect to collect these surcharges? Do you plan to do it in the way that you have in the past, or do you plan to have a regular service fee which is charged to the different agencies that you perform services for?

Mr. FORBES. Under this proposed amendment, Mr. Chairman, we are hoping that the Congress will permit us to eliminate the surcharge on our stores operation for the direct expenses of labor and other overhead; so that we can issue the goods at almost the same as the purchase price, instead of adding a surcharge.

Mr. HOLIFIELD. I do not quite understand the difference, there. Would you please explain that a little more to me?

Mr. FORBES. Under Public Law 152, the indirect or supervisory overhead is put under the appropriation account; whereas the direct expenses connected with the labor of handling goods in stores is for this next year supposed to be a surcharge, just as all expenses were previously a surcharge. We are suggesting that a further change be made so that both direct and indirect expenses shall be eliminated, and that they be on a direct appropriation basis rather than a surcharge basis; the only exception to that being the labor involved in repair-shop operations, where the labor is charged to a particular job of an automotive repair or furniture repair transaction.

A further exception is what Congressman Harvey mentioned, a small addition for obsolescence, and losses in the fund which may be due to spoilage or obsolescence.

Mr. HOLIFIELD. Now, it would be up to your organization to prove, then, to any agency, that notwithstanding these extra charges you can do a better job of purchasing than they can do themselves?

Mr. FORBES. That is our responsibility.

Mr. HOLIFIELD. That is your responsibility. Otherwise, what would be the procedure?

Mr. FORBES. If we can't demonstrate that we can do a better job and save money for the taxpayers, we propose to let them continue to do their own buying. And a third phase of our plans is to find out what agency in the Government is best equipped to buy a certain line of goods, and let them do all the buying of that line of goods for the entire Government, by the purchase-assignment method, which you have authorized in section 205, Public Law 152.

Mr. HOLIFIELD. In other words, if the Navy buys oil in large quantities, and the other civilian agencies use that oil in much smaller quantities, it would be in line with your thinking that the Navy would be the master purchaser of oil, and allocations from the major purchase would be allocated to the other civilian departments of Government?

Mr. FORBES. Right.

Mr. HARVEY. I wonder if I might direct a question to Mr. Ward at that point?

From the standpoint of the Bureau of the Budget, would this suggest a change in the cost of handling, and how would it impress the Bureau of the Budget?

#### STATEMENT OF RAY WARD, CHIEF, GENERAL SERVICES GROUP, BUREAU OF THE BUDGET

Mr. WARD. That is perfectly all right with the Bureau of the Budget, about the surcharge.

Mr. HOLIFIELD. We are going to have Mr. Ward testify on this whole section. I think he wants to go into it at some length.

Did you want to go ahead, Mr. Elliott?

Mr. ELLIOTT. Yes; I should be glad to.

Mr. HOLIFIELD. We have the committee prints before us, and let us call this Committee Print No. 1, for the purpose of identification.

All of us will mark it accordingly, and when we finally get through with the hearings, our procedure will be to introduce this bill with such additions or deletions as may occur during the hearings, and have a clean bill to present to the Congress at the time it is considered on the floor.

Mr. ELLIOTT. There is a definite tie-in between the two amendments, that is, the one which would provide for the automatic increases and decreases in the general supply fund and the one which would eliminate the surcharge.

It has been the experience of our supply people that the surcharge, which, I believe, has amounted to around 12 percent of the cost, has been a great deterrent to the purchasing by other executive agencies through the general supply fund. I know that I found that myself when I gave a lecture on the impact of 152 before the Industrial War College. A great many of the questions, there, of the various Armed Forces procurement officers were: What about this surcharge? They did not like it. So that we feel that with the elimination of the surcharge, there will be a much greater volume of business done through the general supply fund, and that in turn necessitates the increase in the general supply fund and the flexible nature of these increases and decreases, so that we can continually keep at a level of approximately 25 percent of our gross business.

Mr. HOLIFIELD. Now, may I question you there: Was that objection on the basis that they could buy direct and save themselves the 12 percent? Was that the general feeling on the part of these other agencies?

Mr. ELLIOTT. That was it in considerable part, sir. Of course, there is an expense. But there is an expense of handling; there is an expense of transportation; there is an overhead expense and an expense of storage. But as to the Navy procurement officer sitting out there, all he sees is the difference between the catalog price at which he can buy it and the 12 percent in addition; and he did not calculate on the extra expenses.

Mr. HOLIFIELD. In the face of that 12 percent being now evident, in future buying for these agencies, you are actually hiding it, are you not?

Mr. ELLIOTT. No, sir.

Mr. HOLIFIELD. It still exists.

Mr. ELLIOTT. It still exists, but it exists in this way. The expense exists insofar as it is an expense by which we must derive the money by regular annual appropriations from the Appropriations Committees, rather than through the agencies, and we have to prove to the Appropriations Committees that we are doing business with the maximum efficiency and minimum cost, in order to get our annual handling appropriations.

Mr. HOLIFIELD. And by doing that, you will eliminate a tremendous amount of bookkeeping between the agencies and yourself, and also you will eliminate this hesitation on their part to dip into their own supply funds for what amounts to an operating expense for your agency.

Mr. ELLIOTT. That is correct; yes sir.

Mr. HARVEY. Could I ask: Do you have any estimate as to what that would be?

Mr. ELLIOTT. Mr. Forbes?



Mr. FORBES. The surcharge up to now has averaged 12 percent. That is, if an article costs \$1, it is issued at \$1.12.

Mr. HARVEY. Then, on the basis of the \$75,000,000 ceiling, and assuming that you reached the ceiling, and a quarterly turn-over, that would be a total business of \$300,000,000. Twelve percent of that would be \$36,000,000.

Mr. FORBES. We do not expect to reach that ceiling set in Public Law 152 of \$75,000,000 for the fund for quite a while.

Mr. HARVEY. But my illustration would be correct; would it not?

Mr. FORBES. Yes.

Mr. HOLIFIELD. It would be correct if their operational overhead remains at 12 percent.

Mr. HARVEY. Yes. They said experience had proved that that was about correct, and that they were able to come out even. I was using theoretical figures, of course, but was just trying to get at what the Appropriations Committee would have to consider, wondering whether the whole program might not bog down.

In getting around one difficulty, you go to the Appropriations Committee. You have a \$36,000,000 appropriation for this handling cost, and I wonder if you might not run into another obstacle as great as you wanted to circumvent.

Mr. BOLLING. That would have the advantage of making it clear to the taxpayer, at least, where his money was going.

Mr. HARVEY. Yes; in that instance it would be right out in the open.

Mr. BOLLING. It is another step in the direction of a performance budget, I guess.

Mr. HOLIFIELD. I would say so. At least a clarified budget.

Your burden would be to prove to the Appropriations Committee actually that, assuming your overhead operational cost was 12 percent, that was cheaper than the other agencies could do it for themselves. Is that not true?

#### STATEMENT OF HARRY KURTH, ASSISTANT TO THE COMMISSIONER, FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

Mr. KURTH. That is correct.

Mr. HOLIFIELD. Now, do we have any figures on what it costs other agencies to do their own buying, or has that ever been broken down to where you can actually get a comparison?

Mr. KURTH. Well, I would first like to correct the mistaken impression which was given a moment ago.

The 12-percent figure applies to one phase of the program, the stores program; that is, where we have to store the material and reissue it. There are about four or five programs which are operated through the fund. One is the fuel-yard program, where we ship fuel direct to steam plants and we deliver it through yards.

Also we have what we call the direct delivery program, whereby we make the contract and the delivery is made directly to the agency. We don't handle the goods at all. The surcharge varies with the type of program. In some programs we have a heavier handling expense than in others. Actually the average over-all mark-up, gross mark-up,



is 6.34 percent for the fiscal year 1949. That is the average of all of those programs.

Based on \$100,000,000 worth of business in the fiscal year 1949, approximately, therefore the total expense was about \$6,000,000.

In making a comparison with other agencies, you have to compare the average over-all cost of 6 percent with what the agencies themselves can do it for.

We have made some comparisons. Of course, one of the difficulties in making the comparisons is the difference in the methods of accounting and the difference in the methods of handling.

For example, in the Post Office Department they do not put prices on the material that they issue from their storerooms. They don't price it at all. They merely charge it at the time they buy it to the appropriation, and they don't add the handling costs; that comes out of another appropriation.

We have found, however, in any comparison that we have made that, generally speaking, we are under the prices that the agencies themselves could buy for, the reason being the obvious one that through centralized buying, through combining requirements, through larger purchase volume, you can get better prices. Industry has found that out long ago. Government, of course, ever since 1910 has operated on the same theory.

So that when we combine the requirements of the Post Office Department with those of the VA and the others, we benefit not only the Post Office Department but the entire Government.

Mr. BOLLING. There is one question there. Have you any estimate as to how much the average overhead costs, surcharge, would be reduced by having adequate working capital? I gather that you use 1949 figures.

Mr. KURTH. Yes.

Mr. BOLLING. On a hundred million dollars total business, you had \$10,000,000 working capital, if I understand that correctly?

Mr. KURTH. That is right.

Mr. BOLLING. That was 10 percent rather than 25 percent.

Mr. KURTH. That is right. I might explain that the fund was supplemented through a number of ways. One was that in a number of these programs we had to borrow the money from the agencies in advance of the delivery, through advance payments.

The agencies paid before we delivered the goods.

Mr. BOLLING. My point is that there would be an impact on that surcharge, if you had ample working capital, at least in theory.

Mr. KURTH. It should be reduced, because of the greater volume. Our experience has indicated that our purchasing cost per dollar goes down as the dollar volume goes up. For example, we bought for lend-lease during the war about \$6,000,000,000 worth of materials. We did that for about one-tenth of 1 percent purchase cost. The UNRRA program, which followed the war, which was a very much smaller program, about \$400,000,000, cost about a half percent purchase cost. The costs of other programs go up or go down dependent upon the volume and the work that we have to do.

At the present time we are doing buying for the ECA at about 75 percent of 1 percent, three-quarters of 1 percent. There we are not handling the goods, however. We are just making the contracts and shipping direct to the countries.

Mr. HOLIFIELD. In your plans for purchasing, in case you do obtain this larger fund to work with, what change in your present program do you plan along the line of storage? Do you intend to buy and increase greatly your current inventory of stocks on hand, or do you still continue to be more or less of a brokerage agency, let us say?

Mr. FORBES. We intend, Mr. Chairman, to expand the stock list, that is, the number of common-use items which we carry. At the present time, due to the shortage in the capital, we carry only a small proportion of the common-use items which are used by all agencies of the Government. We also plan to increase our inventory, in that we will be able to carry a larger stock not only of the ones that are now on our stock list, but of the additional items to be warehoused, to prevent what we call back-ordering. At the present time our capital is so small that we carry a small stock in each of the 12 storehouses, and in many cases if a large requisition comes in, it exhausts the stock, and we have to replenish it and hold a back order to be filled at a later date; which impairs our service to the agency and does not increase our reputation for service.

Mr. HOLIFIELD. At the same time, if you embark upon a program of increasing your inventory, are you not going to run the same risk that every merchant runs when he starts carrying heavier inventory, the risk of drops in prices, and the risks of the overhead, which are inherent in an inventory which does not turn over as often as it does when there is a smaller inventory, or if he does most of his buying on a direct basis?

Mr. FORBES. At the present time we keep small stocks, which means that we buy in smaller lots than we should and thereby fail to gain the maximum savings.

If we can get adequate capital, increase our stock list and our inventory so that we can really service large agencies, such as the military and the Post Office, which are now outside our list of customers, we then want to gear this program to market conditions and avoid what you mentioned, which is a definite hazard.

In other words, in times of rising prices we will keep a low inventory, and vice versa.

Mr. BOLLING. What are some of the categories that are now under inventory? I do not want a detailed list. I just want some generalizations.

Mr. FORBES. For the most part, it is administrative supplies, in the way of stationery items and maintenance items for public buildings.

Mr. HOLIFIELD. Are there any questions, Mr. Harvey?

Mr. HARVEY. Well, following up your question, Mr. Chairman, the one thing that had occurred to me was whether you had the physical plant facilities to handle a vastly increased stock supply.

Mr. FORBES. In most cases; yes.

Mr. HOLIFIELD. With the new program of GSA custody of all warehouses and public buildings, that would be something that could be adjusted in the over-all utilization of space, if you did need additional space.

Mr. FORBES. Right. At the present time, Mr. Chairman, the fact that we have to carry a small stock increases greatly the overhead cost of doing business. In other words, we get small requisitions. The agencies here in the District and in the field insist on having their

own warehouses, because we are not equipped to service them adequately.

Now, this program that we visualize will take several years to work out, but eventually we should be able to save a great deal of money through the cutting down of agency warehouse stock for common use items and the elimination of a great many of the warehouses in the military and civilian establishments, if we can have, in 12 focal points, a large enough reserve to handle the requisitions as they are submitted.

Now, Mr. Kurth, of the Federal Supply Service, who has made a study of this problem, is prepared, if it is agreeable to you, to tell you briefly what are some of our plans which justify an increase in the capital of the general supply fund. Would you like to hear from Mr. Kurth?

Mr. BURNSIDE. There is just one question, there, that I would like to ask. What about shipping? You are making arrangements to ship in carload lots, I am sure, whenever you can. But when you have less-than-carload lots, are you making arrangements so that you can ship with other concerns, so that you can get the benefit of carload-lot rates?

Mr. FORBES. You mean through carloading services, forwarders?

Mr. BURNSIDE. Yes.

Mr. FORBES. We haven't yet, but that is on our program for consideration, as a part of our traffic-management program.

Mr. BURNSIDE. That would have a great effect on your costs, would it not?

Mr. FORBES. Yes.

Mr. BURNSIDE. I have noticed some shipments going out with only a small part of a car being filled up.

Mr. FORBES. The freight forwarding idea, operated either by the Government or in connection with private freight forwarders, has great possibilities.

Mr. BURNSIDE. Yes.

Mr. FORBES. And that is a part of our traffic management program.

Mr. HOLIFIELD. Mr. Kurth, you may proceed by giving the committee some of the plans of the Federal Supply Service.

Mr. KURTH. As Mr. Forbes has said, we have recently completed a study to determine the need for the capital for the general supply fund. We have always known that we have merely scratched the surface of the potentialities of this fund, but nobody has ever really studied it from the standpoint of what the maximum possibilities were.

The tools we worked with were really inadequate to do the job, because we needed to know the requirements of the agencies and the commodities that they intended to buy, and that is not stabilized. But we did get pretty good indications in 14 different fields. I am not going to enumerate them all, but I will tell you of some of them. We came out, in the over-all, with a potential capital requirement of approximately \$55,000,000, based upon the present operating situation within the Federal Government.

At the present time we are not servicing, except on a voluntary basis, the Department of Defense, the Veterans' Administration, and the Post Office Department.



I might say there, that even though they are on a voluntary basis, the Department of Defense was our second best customer and the Veterans' Administration was our third best customer. That indicates that although they had the choice of buying elsewhere, nevertheless, they found it profitable from their standpoint to buy through us.

In that connection, we oftentimes make a favorable buy, and they come along and with one order completely clean out our stock at a warehouse, to the detriment of the other civilian agencies, for whom we have bought a rather small stock in comparison with the requirements and the needs of the Department of Defense. So part of our program is to bring in the Department of Defense, the VA, and the Post Office, for the common-use items.

Another part of the program is to extend the system to include the distribution of printed material not distributed by the Superintendent of Documents. We have in mind there the standard forms.

Yesterday, Mr. Ward and I and several other gentlemen, talked to the Government Printing Office representatives. Beginning July 1, regulations of the Joint Committee on Printing will provide that standard forms will be distributed through the Federal Supply Center warehouses by the General Services Administration, and they will be treated as supplies.

Mr. HOLIFIELD. That is in line with the provision in Public Law 152, which provides for standardization of forms, and also it is closely related to the cataloging effort which goes on at the present time, and I assume that as these items are approved by the Munitions Board Cataloging group, your catalogs will start containing those approved items and their common nomenclature.

Mr. KURTH. In that catalog, the items are listed by classes, and under each class the item is given a designation. That is the old Federal standard stock designation. That will all be changed to conform to the new system. So that an item, wherever it is stocked in the Federal Government, wherever it is bought or sold, will be identified by the same number.

Mr. HOLIFIELD. Now, are you taking into consideration the work that they are doing over there now, and changing your nomenclature as they arrive?

Mr. KURTH. Yes, that is part of the program. It is going along progressively on that basis.

In the Federal supply schedules, where there are about 40,000 items, that is being done on a current basis also.

Mr. HOLIFIELD. May I ask this: Has there been any priority assigned to the items which you have classified here, by the Munitions Board?

Mr. KURTH. No, there is no priority, because they have to do it by commodity classes, you see.

Mr. HOLIFIELD. I see.

Mr. KURTH. The stores catalog includes some 3,200 standard items which are in common use throughout the Federal Government. We estimate that there are approximately 10,000 items instead of 3,200. Therefore we should expand our stock to include all of the common-use items.

We have made a study of what some of the agencies have done since the stores system was inaugurated. Back in 1942, for example, the Social Security Board obtained only 9 percent of the items in their stores system from us. Today, they obtain 81 percent of their



items from our stores stock. We have expanded distribution to the field, and they can obtain common-use items right at the point of consumption.

For the most part, the standard items which we stock are being obtained from us and used by the agencies. They are buying, themselves, the difference between 3,200 and 10,000 items, and stocking them. We think we can save a lot of money by adding those new items to the list.

Mr. HOLIFIELD. Thereby reducing their individual inventories, keeping a central inventory?

Mr. KURTH. And saving warehouse space and administrative cost generally; the same thing that we have already done with these 3,200 items.

Under certain laws, it is mandatory that prison-made products and blind-made products be utilized by the Federal agencies. At the present time, our catalog includes a number of blind-made products. However, certain agencies, notably the Department of Defense and the Veterans' Administration, deal directly with the blind industries and issue their requisitions directly to them. Both the blind industries and the agencies have indicated that that causes them a lot of inconvenience and trouble. If we would serve as the purchasing agents for the blind-made products and stock them, there would be only one source of supply. It would make it much easier for the blind industries as well as the agencies. That is part of the program.

The same thing applies to the prison-made products, which include such things as brushes and items of that nature.

Mr. HARVEY. If I may interpose a question, there: I remember last year, purely incidental to my visit to the Terre Haute prison, I was informed at that time that they made quite a number of prison products. And as I recall, the warden told me they simply operate a sort of a revolving fund within the prison itself to pay for materials, in making food trays, and so forth, and they are reimbursed for the actual cost of materials by revolving fund, so that they can keep in business. That is applicable also, I presume, to the blind institutions.

Mr. KURTH. The blind are not governmental institutions such as the prisons, but under Federal laws we are compelled to take certain products from the blind; that is, give preference in our purchasing policy to them.

I believe the Federal Prison Industries, Inc., is a Government corporation.

Mr. HOLIFIELD. Yes.

Mr. KURTH. I understand they do an annual business of about \$15,000,000. As a Government corporation, they operate on a revolving fund basis. We buy some of their products and distribute them through our supply system.

Mr. HARVEY. And you think that the armed services, for example, would prefer to have you stock the so-called common-use items that they use, and deal with you, rather than to shop around at the various prisons, to get the commodities they want?

Mr. KURTH. There is that aspect of it. Then, it also helps both the blind and the prison industries, in that we can work with them in the development and manufacture by them of products that we need for the Federal Government. We have done that in the past.

Mr. HARVEY. In other words, yours is a sort of forecast on what things are going to be, rather than operating as now on a catch-as-catch-can basis?

Mr. KURTH. We can help to iron out their production problems and help them to manufacture new products for use by the Federal Government. As a matter of fact, we do that now. We work closely with them.

Mr. HOLIFIELD. Is there not a question of policy involved, too, that we are not necessarily trying to build up prison industry goods in competition with private manufacturers in the market?

Mr. KURTH. That is right. The laws protect private business. Usually these are items which are not in competition with private industry.

Mr. HOLIFIELD. And are you required to make a certain percentage of your purchases from private industry, thereby reducing the percentage of the prison bought goods?

Mr. KURTH. No; we are not.

Mr. HOLIFIELD. Well, what is the policy of your Federal supply fund? Is it to build up prison industry goods, or to keep them at a minimum?

Mr. KURTH. Well, it is to keep them neither at a minimum nor a maximum. It is to keep them consistent with the level which would keep the prisoners employed.

Of course, we are not their only customers. They, themselves, manufacture for prison use quite a lot of things. In fact, that is where the largest output goes, I understand.

Mr. HARVEY. They have an interchange, so the warden at Terre Haute informed me. One prison, we will say, will make certain commodities, and another prison will make others, and they have an exchange within the prisons themselves for self-supply.

Mr. FORBES. I would like to supplement Mr. Kurth's remarks on prison-made and blind-made products, Mr. Chairman. It is not a motive of ours to build up the amount of business done with either sources of supply. Our idea of having these items in stock, which are required by law to be used by the agencies, is to save time, reduce red tape, and increase service. In other words, if we have brushes and brooms and other items which are mandatory for use by the agencies, that are made by the blind or by the prisons, in stock, those can be included on requisitions from the agencies for the other items in our stock list, shipped at the same time, and filled quickly, in lieu of the issuance of separate orders, separate payments, and all the red tape and rigmarole that now goes on by separate transactions with a particular prison or a particular blind-made product source. That is our only motive there.

Mr. HOLIFIELD. Now, on section 3 on page 4, we get down to the approval of the way your accounting is done. I would like to have one of you testify on that point.

Mr. ELLIOTT. All right, sir. On that point, the present law provides, and this is section 109 (b), that where an advance of funds is not made, requisitioning agencies shall promptly reimburse the General Services Administration on vouchers prepared by the requisitioning agency on the basis of itemized invoices submitted by the Administrator, and receiving reports evidencing the delivery to the requisitioning agency of such supplies or services.

Experience indicates to us, and also to the General Accounting Office, that that will cause some delay and has caused some delay in the preparation of these vouchers. It was therefore felt that we could speed up the process and eliminate the red tape, but make it flexible, and at the same time have protection for everybody, if we eliminated that language and said: "Shall promptly reimburse the General Services Administration in accordance with accounting procedures approved by the Comptroller General."

Mr. HOLIFIELD. That has been arrived at in conference with the Comptroller General's people?

Mr. ELLIOTT. Yes, sir; that was worked out in conference with the Comptroller General's people and with the Bureau of the Budget. And there is a further change in the proviso. The proviso now says that if payment is not made within 45 days after the date of billing, reimbursement may be obtained by the Administrator by the issuance of transfer and counter warrants, supported by itemized invoices. That is a rather drastic procedure, and I think we all agree it should not be employed unless absolutely necessary. So, for that reason, the suggested change is that it should be within 45 days after the date of billing or the date on which an actual liability for supplies or services is incurred by the Administrator, whichever is the later. So that even if the 45 days have gone by, we cannot issue transfer and counter warrants unless and until we have actually incurred a liability and therefore have demonstrated that we need the money.

Mr. HOLIFIELD. That procedure would not be used in the case of a lack of cooperation between the agencies, and therefore would come up only in a rare case, I suppose.

Mr. ELLIOTT. Would only come up in a rare case. That is true, sir. And with the change in the basic part of the section, which requires the Comptroller General to prescribe the accounting procedures, I think the proviso will be very, very rare indeed.

Mr. HOLIFIELD. Are there any questions on that section? If not, we will proceed to paragraph (g), page 5.

Mr. ELLIOTT. The purpose of paragraph (g), sir, is to implement our qualified products program. That is to say, it is to permit vendors and producers of goods to submit their goods for testing, which would be done by the Bureau of Standards, or perhaps, in some cases, by a private testing laboratory. Then they will pay for the cost of that testing. When it is proven satisfactory, then their products are put on the qualified products list, and so long as there is no change in specifications, as I understand it, they may continue to be accepted.

Mr. HARVEY. Well, now, what do you contemplate in that testing? Bureau of Standards, normally?

Mr. ELLIOTT. Normally the Bureau of Standards; yes, sir. But in rare cases, either because of special needs or because the Bureau of Standards is overloaded, I imagine we would use private testing laboratories.

But in general it would be the Bureau of Standards.

Mr. HARVEY. Well, now, I am trying to get at the mechanics of it, where the Bureau of Standards would do the testing. That is a governmental agency. Do they normally make a charge for this service?

Mr. FORBES. They do not for Government tests. But this would be on behalf of and for the benefit of the vendor.



Mr. HARVEY. The vendor. And not subject, under those conditions, to free service?

Mr. FORBES. Right.

Mr. HARVEY. Then, if you will permit, following that a bit further, does the Bureau of Standards have provisions within their legal rights to do this on a custom basis?

Mr. FORBES. I understand they now do. They could do it. No further change in law would be required.

Mr. HARVEY. They have the right to do that and would not run into another problem there?

Mr. FORBES. I understand that they can make such tests on a reimbursable basis.

Mr. HARVEY. I see.

Mr. KURTH. I might interject there that this is already in effect in the Federal Government in the Department of Defense. It is a procedure that has been in use for many years.

Mr. HARVEY. The Bureau of Standards has been doing this for the Department of Defense?

Mr. KURTH. To some extent. The Department of Defense does it itself, as well.

Mr. HARVEY. I see.

Mr. HOLIFIELD. While this is a little bit extraneous, I think that the Bureau of Standards should be utilized more by certain agencies of Government which have gone to great expense in setting up laboratory testing equipment, which is used very little. And I have some specific cases in mind, where they have set up very expensive laboratories for testing, when they could have obtained their testing from the Bureau of Standards at a much smaller investment in equipment and much less operating expense.

I hope, that in line with what you have said, you would utilize the Bureau of Standards to the utmost, rather than to embark upon a project of setting up your own testing laboratories.

Mr. FORBES. We definitely plan to do that.

We have no program for a large testing facility of our own.

Mr. BURNSIDE. There are private testing institute set-ups too, are there not?

Is there not some coordination of that type of work all over the country, between private and Government agencies?

Mr. FORBES. There is to a certain extent; yes. In other words, it is like the transfer of credits between universities.

There are certain laboratory tests that are accepted by others.

Mr. HOLIFIELD. SAE specifications?

Mr. FORBES. And the Electrical Testing in New York and the Mellon Testing in Pittsburgh.

I might add that in the military services there are a considerable number of these lists, approximately 100 at the moment, of which nine-tenths are in the Navy and the disproportionate number of the Navy's qualified products lists is due to the fact that they have been able to use the naval supply fund in precisely the same way that we propose to use this if Congress approves the amendment.

The Army and the Air Force under the new working capital funds authorized by Public Law 213 of the Eighty-first Congress will enable them also to do this and we are, as you know, working out areas of



agreement with the military in various fields of property management, one of which is to have an interchange of such lists as between the civilian and the military so that once a test is made of a certain vendor's product and it is qualified, then that qualification would also be available for use in purchases in the civilian agencies.

Mr. HOLIFIELD. That is part of your cataloging, the joint board, working under Admiral Ring, is it not?

Mr. FORBES. It is a part of the areas of agreement which is now in operation, Admiral Ring, Mr. Ward, and I are working on behalf of our principals, Mr. Howard, Mr. Lawton, and Mr. Larson.

Mr. HOLIFIELD. Let us proceed to section 4, paragraphs (1) and (2).

Mr. ELLIOTT. Under Law 152, section 203 (j) and (k), the Congress authorized the donation of certain personal property for certain educational use. Under (k), surplus real property, it authorized the assignment of certain surplus real property under public benefit allowances for both educational and public-health purposes. The purpose of section 4 here is to broaden the donation of personal property also to include public health as well as educational purposes, it having been felt that since the Congress had indicated its policy in connection with surplus real property for both education and public health, that that policy should perhaps be extended to personal property as well.

Mr. BURNSIDE. You are running into serious problems there, however, because you will have even the county health officers back in the counties, and so forth, contacting you, will you not?

Mr. ELLIOTT. Of course, that is possible. We are hopeful that perhaps in public health the States will operate much as they do in education, and I believe in a number of States they do. In other words, they have a State control system and it is funneled through a State health department just as the educational requests are funneled through the State education departments, in most States, so that there will be that local non-Federal control.

Mr. HOLIFIELD. Public health purposes: My understanding of that would be that it would mean the State, county, and municipal public-health functions rather than private institutions.

Mr. ELLIOTT. No, sir; it would include private and nonprofit institutions such as a private nonprofit hospital just as they do for private nonprofit educational institutions, like some of our big private colleges.

Mr. HOLIFIELD. What about the personal property which might be required which would not be in the nature of a technical instrument such as surgical tables and surgical equipment and that sort of thing but would be, rather, in the common-use field, such as pencils, desks, chairs, beds, and things like that? Would that also be available for these public health institutions?

Mr. ELLIOTT. It would, sir, but I want to underscore that the act says, and will continue to say under the amendment if it is adopted, that all we can donate is surplus property.

As you will recall, surplus property is defined in the act as property not required by any agency of the Government.

Mr. HARVEY. The thing that impresses me, if you will pardon me, Mr. Chairman, without any prejudice at all toward hospitals or anything of that sort, is how we could conceivably have surplus products in that field.

Mr. ELLIOTT. I am sorry that I cannot answer, but I do understand that we do. I can tell you where the situation has come up concretely. It has come up in connection with several hospitals which the Department of Defense is about to declare excess or has declared excess and which the Veterans' Administration does not want and the Public Health does not want but the States do. I know there is one out in Michigan and there is quite a drive on to get it.

Mr. BURNSIDE. That would be real property. He was asking about the point of personal property.

Mr. ELLIOTT. I was leading to that, Mr. Burnside.

In those cases you have a going hospital business. We can, under the present law, assign the real property to Federal Security and they could give it to the State of Michigan under public-benefit allowance, but there is a lot of bandages, equipment, beds, and a lot of other things which Veterans' Administration says they do not want, Public Health says they do not need, but which could not have gone along with the going concern.

Mr. HARVEY. I can also see that this is a double-edged sword, pursuing that point. We have in Indianapolis a hospital that is being abandoned by the Veterans' Administration that was erected as a military hospital in connection with Fort Harrison, called Billings, a 500-bed hospital, and they are abandoning that and building a new one of the same capacity with the ostensible reason, and whether it is justifiable or not, I am not passing on it, adjacent to the medical center at Indianapolis. The question arose in discussing it with the Administrator there about whether the supplies in this veterans' hospital would be transferred to the new hospital or whether they would be left in the old hospital, beds, and of course, many other things, personal property items in conjunction with the hospital. The Veterans' Administration indicated that, when they moved into a hospital, they certainly would not move the beds.

Mr. HOLIFIELD. You mean to say they would have to have new beds?

Mr. ELLIOTT. Yes.

Mr. HARVEY. If it is a 500-bed hospital, they would buy 500 new beds, and everything, in conjunction with it. Without interposing any blame on you folks, because you would be perfectly innocent in this thing, I am wondering whether this would not, because of the very ease with which it could be accomplished, encourage this sort of procedure to produce a tremendous amount of surplusage that should not normally occur. I cite that as a particular instance, because I know about it.

Mr. BURNSIDE. I think in this case we would be encouraging extravagance and, of course, we would like to have new beds in all hospitals.

Mr. HARVEY. I think, Mr. Burnside, we would all agree it would be a nice thing, but I am using that as an example. They will attempt to justify the thing and say, "We will put it to good use because it is donated."

Mr. HOLIFIELD. I think this is an important part of the bill which we are going to have to have more testimony on.

I know that along with the rest of the members of the committee, I want to go into it at some length with other witnesses, but as far as we are concerned now with your department, you are not in opposition

to the principle of adding public health to the recipients of such surplus material as is not requisitioned by other Government agencies?

Mr. ELLIOTT. That is correct.

Mr. HOLIFIELD. You are not in opposition to it?

Mr. ELLIOTT. That is correct, sir.

Mr. HOLIFIELD. I understand that there have been some hearings in the Bonner subcommittee on this particular subject.

Mr. ELLIOTT. Yes.

Mr. HOLIFIELD. And some bills have been introduced by Mr. Sikes and possibly another gentleman, Mr. Rogers, of Florida.

Mr. ELLIOTT. That is right.

Mr. HOLIFIELD. So we will have some additional testimony on the policy that is involved here?

Mr. ELLIOTT. Yes, sir.

Mr. HOLIFIELD. I would like also to have someone prepare to testify on the amount of materials which have been requisitioned by the educational institutions and also what control is being established by you people on the phrase "usable and necessary" which we finally saw fit to put into the previous law to take care of certain excesses which were being practiced by some of the educational institutions in requisitioning materials beyond their needs.

Mr. ELLIOTT. We will be glad to give you whatever information we can, and I am sure we can get up some things for you on what has gone out.

I should like to point out that under the law what is usable and necessary is determined by the Federal Security Administrator.

Mr. HOLIFIELD. By the Federal Security Administrator in consultation with your State agencies?

Mr. ELLIOTT. That is correct, sir. If the Federal Security Administrator comes to us and says that this school needs this product, we have no control.

Mr. HOLIFIELD. You are an operation agency and you have no authority to determine whether that need exists or not?

Mr. ELLIOTT. That is correct, because the law placed that responsibility in the Federal Security Administrator.

Mr. HARVEY. And it would likewise, in public health?

Mr. ELLIOTT. That is correct.

Mr. HOLIFIELD. It would probably be the Surgeon General of the Public Health Service in the Federal Security Agency who would determine the policy factor there?

Mr. ELLIOTT. In the Surgeon General's office.

Mr. HOLIFIELD. In the Surgeon General's office.

Mr. ELLIOTT. Yes.

If I could, before passing on, I would like to say to Mr. Harvey that we recognize that one of the major responsibilities that you gentlemen placed on us under Public Law 152 was generally to minimize new purchases by requiring agencies to use property that the Government already has. But, of course, there are limits to which property people can go in that respect.

If the doctors that are running, or are about to run, a hospital come to us and say, "These old beds will not do, we need this new style bed," it is difficult for us to upset that.

Mr. HARVEY. I understand, and I thought I made it clear that I was not even by inference placing that responsibility on you. At the



same time, I cannot help but believe that in observing the process to date, you must have developed some ideas.

Mr. ELLIOTT. Well, that is true, sir.

Mr. HOLIFIELD. Will you proceed, then, with a reading of the rest of that section? I think perhaps we should have concluded reading all of that section on page 6.

Mr. ELLIOTT. Sir, I will be glad to read it if you wish. I want to point out that the only difference in that section and the law is that in appropriate places they have added "public health purposes" after "educational purposes," otherwise it is the present law.

Mr. HOLIFIELD. I see. What about line 20, on page 6, this phrase "or similar institutions providing health care"? How wide is that?

Mr. ELLIOTT. That all goes down to the qualification on lines 22 and 23 that they must be nonprofit; that is, that they are of such a nonprofit character that they have been held exempt from taxation.

Mr. HOLIFIELD. And approved by the State departments of education and health?

Mr. ELLIOTT. Not necessarily approved by them. We can make transfers to the State departments in lieu of making transfers directly to the institutions.

Mr. HARVEY. That brings up a point that I had not contemplated.

Do you mean to say that the Methodist Hospital in Indianapolis, using that as an example, that under this theory of the law you could transfer to the Methodist Hospital without going through the public health department in Indiana?

Mr. ELLIOTT. We could, sir, unless under the laws of Indiana the State itself has required that all that property be distributed through the State department.

Mr. HARVEY. I do not know how the story would be out there, but it would vary undoubtedly within the various States.

Mr. ELLIOTT. Yes, sir.

Mr. HARVEY. As to whether you could do so or not?

Mr. ELLIOTT. Yes, sir.

Mr. HARVEY. I have no particular objection to nonprofit hospitals participating in this except that I think we ought to know what we are reading into it rather than to come back a year later and say that, well, we did not know what we were doing.

Mr. HOLIFIELD. The same principle is involved, as I understand, in your adding this public-health purpose as was approved under the educational provisions.

Mr. ELLIOTT. Identical, sir.

Mr. HOLIFIELD. The same principle?

Mr. ELLIOTT. Identical.

Mr. HOLIFIELD. You have not added any provisions in here which are peculiar to public health and which did not pertain to education?

Mr. ELLIOTT. No, sir.

Mr. HARVEY. I am wondering this, Mr. Chairman, if we are embarking upon a little different policy by permitting the agency to make donations to private hospitals which were not included in the educational act.

Mr. ELLIOTT. Yes, sir; it was. Under the present law, sir, today we can distribute supplies and equipment directly to Southern Methodist University or Notre Dame University.



Mr. HARVEY. I see. Then the change in policy, the thing I am trying to get clarified here for the sake of the record, is that there is no change in policy, including the public health in the bill?

Mr. ELLIOTT. That is correct, sir. Public health would be treated exactly as educational institutions are treated under the existing law.

Mr. HOLIFIELD. If there are no further questions, we will proceed to section 5.

Mr. ELLIOTT. Section 5 relates to that group of amendments which, as Mr. Forbes said at the opening, are, in the main, covering into permanent substantive law authorities which have been included from year to year in appropriation acts pertaining to old Public Buildings Administration. The great majority of the subsections under 210, for instance, are now in the present Appropriation Act for General Services now pending before this Congress. They derive from a variety of historical circumstances, adverse rulings of the Comptroller General, perhaps a failure to have sufficient coverage in an early Public Buildings Authorization Act, and the consequence has been that from year to year some of them have been in each appropriation act for the past 15 years and they have been included in these provisions.

The Bureau of the Budget has had for several years now a program in cooperation with the Appropriations Committees to remove from appropriation acts these substantive provisions and have them translated into appropriate permanent substantive legislation, I mean, not only for General Services but for all agencies of Government. This is the point of that program which affects General Services.

Mr. HOLIFIELD. You are speaking in regard to section 210?

Mr. ELLIOTT. Yes, sir.

Mr. HARVEY. The new 210?

Mr. HOLIFIELD. On page 7. You have arrived at the language that is contained in section 210 in consultation with what agencies?

Mr. ELLIOTT. With the Bureau of the Budget and with the General Accounting Office.

Mr. HOLIFIELD. Have they approved the substantive content?

Mr. ELLIOTT. They have approved the content, yes, sir; they have made changes and I think Mr. Ward is here from the Bureau of the Budget and Mr. Johnson is here from the General Accounting Office, but I can state that they are in complete agreement with section 210.

Mr. HOLIFIELD. In what way does this affect the Post Office, and may I ask also at that point: Is this up to date in view of the different Presidential plans, such as plan 18, which might affect this?

Mr. ELLIOTT. There are two or three places here where there is an enlargement of an existing authority. As I said, in most cases it is a restatement of existing authority but there are two or three places where there are enlargements.

In connection with plan No. 18 and the Post Office, if you will go to page 12, line 3, which is subsection 210 (d), plan 18, as you will recall, provided for the transfer of various buildings management functions to the Administrator of General Services.

There has been some fear that that plan relates only to present condition of buildings; that is to say, if a building is not predominantly a post office today it would be transferred, but if a building is predominantly post office today it will not be transferred, but maybe a year from now the post office will give up that building.

Under those circumstances, it should be transferred. So that subsection (d) provides a continuing mechanism where as buildings change, the character of their use is determined by the Director of the Bureau of the Budget, they can be transferred to General Services.

Mr. HOLIFIELD. Now, under the present ruling of the Department of Justice, they have ruled that plan 18 was a one-shot proposition; have they not?

Mr. ELLIOTT. I do not believe they have officially ruled it, sir, but all our informal conversations indicate that that is the way they will rule.

Mr. HOLIFIELD. Then, this, in effect, would make plan 18 a continuing authority for you to take over such building as might change to conform to the principles laid out in plan 18 in the future, but which at the present time do not conform to it?

Mr. ELLIOTT. That is correct, as to office buildings.

Mr. HOLIFIELD. That is only the post office buildings?

Mr. ELLIOTT. As to any office building.

Mr. HOLIFIELD. Any office building?

Mr. ELLIOTT. Yes, sir. There are the same restrictions and qualifications contained in this subsection (d) as were contained in plan 18, so the pattern would be the same.

Mr. HOLIFIELD. Let us start reading at section 210 and go right through. I think we should take this in order and as we get to these points we can discuss them.

Will you take up page 7?

Mr. ELLIOTT. Very well, sir.

I would like to point out in the beginning of 210, that we regarded all of these enumerations here, at least in 210 (a), all of the enumerations as ancillary powers to all the other powers. You will notice that this says in the opening—

whenever and to the extent that the Administrator has been or hereafter may be authorized by any provision of law other than this subsection to maintain, operate, and protect any buildings \* \* \*.

In other words, he first has to start with some authority independent of this subsection to perform the function. Then having that, this subsection vests in him these ancillary powers starting on page 8, line 4:

(1) to purchase, repair, and clean uniforms for civilian employees of the General Services Administration who are required by law or regulation to wear uniform clothing.

That is a provision that has been in our appropriation act for many years.

The same thing is true of subsection (2), line 8—

to furnish arms and ammunition for the protection force maintained by the General Services Administration.

The same thing is true of subsection (3), beginning at line 11—

to pay ground rent for buildings owned by the United States or occupied by Federal agencies, and to pay such rent in advance when required by law or when the Administrator shall determine such action to be in the public interest.

In that connection, I believe there is a post-office building up in Salamanca, N. Y., in which we pay \$25 a year ground rent.

**STATEMENT OF ROBERT JENNINGS, PUBLIC BUILDINGS SERVICE,  
GENERAL SERVICES ADMINISTRATION**

Mr. JENNINGS. It is a very small amount.

Mr. ELLIOTT. In order to pay that small amount of ground rent, we have had to go through 15 years of putting it in the appropriation acts.

Subsection (4), line 16, is primarily to enable us to pay mechanics at their prevailing private rates in emergency situations. That also has been carried in the annual appropriation acts for a number of years.

Subsection (5) is an enlargement of our authority; that is, General Services, but is not an enlargement of an existing law and it comes about in this way: Under section 1 of plan 18, all leasing functions of the Government were transferred to General Services. Certain agencies were exempt from the 15-percent limitations of section 322 of the act of June 30, 1932. Had it not been for plan 18, they would have continued to be exempt, but because plan 18 transferred the function to us, the exemption would die. The purpose of subsection (5), therefore, is to keep alive as to our leasing for those agencies those exemptions. It would not permit us to have any greater exemptions for any other agency. In other words, it preserves in us the existing law which would be retained in the agencies, and that is the reason for the target date in lines 2 and 3 on page 9, June 30, 1950.

Mr. HARVEY. What are those exemptions?

Mr. JENNINGS. We have many instances in the past where the Veterans' Administration would ask General Services to perform certain repair work on a building that they had rented. They had specific authority and legislation to exceed the 25-percent provision of the old Economy Act.

Mr. HOLIFIELD. I think that should be explained, that is, 25 percent of the annual rental could be used for repairs or alterations or remodeling of a leased building, is that not right?

Mr. JENNINGS. That is correct, sir, 25 percent of the first year's rental.

Mr. HOLIFIELD. It might be a 10-year lease at \$1,000 a year, but under those terms, only \$250, which would be 25 percent of the first year's rental, could be used to alter that building?

Mr. JENNINGS. That is correct; that is the usual provision, but with this special exemption the Veterans' Administration had, they could spend in excess of that.

With the specific authority they had and with that authority in General Services, this would carry on for only those agencies exempted.

Mr. HARVEY. In other words, the Veterans' Administration would have their present exemption continued?

Mr. JENNINGS. Yes, sir; and with a service agency doing the work for them, it would give to the Veterans' Administration the right to continue that privilege.

Mr. HOLIFIELD. They would give it to General Services?

Mr. JENNINGS. Authority for that specific project.

Mr. HARVEY. All right.

Mr. HOLIFIELD. Paragraph (6)?

Mr. ELLIOTT. Paragraph (6), sir, ties into two things.



We presently have authority to furnish these services to other executive agencies under the Economy Act. We do not have authority to furnish them to mixed ownership corporations or to the District of Columbia, and the purpose of paragraph (6) is to broaden that to permit us to furnish them.

That, incidentally, as I said, is an ancillary section and it is to permit us to obtain payments for these services rendered to others. The authority to perform these services is contained in subsections (b) and (c) which appear on pages 10 and 11 which start off by saying:

At the request of any Federal agency \* \* \*

Mr. HOLIFIELD. What section is that?

Mr. ELLIOTT. Section 210 (b) which starts on line 24 of page 10 and continues over on page 11 and then also 210 (c) which starts on line 7 of page 11.

Mr. HOLIFIELD. So, this subsection (6) means that you would have the right to obtain payment for services which may be requested by the other organizations but it does not mean that you can force your services upon them?

Mr. ELLIOTT. No, sir.

Mr. HARVEY. Might I ask this question: Would you give me an example of a so-called mixed ownership corporation?

Mr. ELLIOTT. The Federal Reserve bank.

Mr. HARVEY. All right.

Mr. ELLIOTT. The Federal home-loan banks, Federal Deposit Insurance Corporation, and the Regional Bank for Cooperatives.

Mr. HARVEY. Thank you.

Mr. HOLIFIELD. Paragraph (7)?

Mr. ELLIOTT. Paragraph (7), sir, relates to this pneumatic-tube system that is in use up in New York and it also has been carried for many years in our appropriation acts.

Mr. HOLIFIELD. Is that a peculiar condition in a lease on a particular building?

Mr. JENNINGS. That equipment is owned by the city and is rented by the Government. To pay that rental to the city we had to have specific appropriation language. It has been in the appropriation bill, I would guess, for 20 years. It is specified on page 283 of the pending appropriation bill along with these other items Mr. Elliott has mentioned.

Mr. HOLIFIELD. This will obviate the necessity of reenacting the provision every year in the appropriation bill?

Mr. JENNINGS. Yes, sir.

Mr. HOLIFIELD. Paragraph (8).

Mr. ELLIOTT. That is definitely an enlargement of our existing authority. It would permit us, where the Administrator certifies that it would be in the best interest of the United States, to make repairs and alterations in excess of the 25-percent limitation. We have felt for some time that that 25-percent limitation has been bad business because in the illustration which you gave earlier of your building which is leased for 10 years at \$1,000 a year, if we can only make repairs in the amount of \$250, that is an encouragement for a short-term lease, and a continuing succession of short-term leases at probably a higher rate than we could obtain under a longer lease.



Mr. HOLIFIELD. Under this provision there would be no ceiling on repairs or alterations but in each case, the Administrator would have to be responsible for administering the lease or signing up the lease which would be to the best interest of the Government?

Mr. ELLIOTT. That is correct, sir.

Mr. HARVEY. You would have to take the ceiling off on that?

Mr. HOLIFIELD. I am trying to determine if that is the case.

Mr. ELLIOTT. That is the case. He would have to make a finding in each case. Having made that finding, then the ceiling is off.

Mr. HOLIFIELD. This is a matter of policy, of course, which can be debated back and forth. I would like, and I think we might as well now, get the Budget Bureau's opinion on that.

Mr. Ward, have you consulted with them on this particular provision?

Mr. WARD. Yes, we have. We have reviewed it—our estimates people, Mr. Holifield, went over that section in detail and thought that the authority they should have as the central operating agency.

Mr. HARVEY. I could see some very great advantages to it. I am looking forward to establishing that without any ceiling as a matter of policy, if it might not eventually bring us some grief.

Mr. WARD. I don't think it would be a good thing to give generally to every agency, but where you vested authority in the General Services Agency to do this job for the whole Government, we think it is necessary to give them some responsibility and, of course, to make them responsible. There are certain instances where you just simply cannot get a building to meet an operating situation unless you have this kind of leeway.

Mr. HOLIFIELD. I know that to be true.

Mr. HARVEY. I know that.

Mr. WARD. Various things are resorted to and in lieu of that you get into complicated bookkeeping trying to keep track of these repairs and alterations.

There are just a lot of complications that we think this agency should have the authority to make a determination on based on fact and if they find it is in the Government interest, to do so.

Mr. HARVEY. I would say certainly in my own humble judgment, and I have not had too much experience, probably not as much as other members of the committee, I would be hesitant to raise the ceiling of more than 1 year's rent.

Mr. JENNINGS. There are certain cases in which there is a difference, as much as \$1 a foot for rental of space. You could get an old warehouse or an old automobile storage plant for around 60 cents to \$1 per square foot, and fit it up if you could exceed the 25 percent limitation in making repairs on that building. If you would get office space to accomplish that same purpose, it might run you an annual rental of \$1.50 to \$2 a foot. These are the exceptions.

In many instances, you would far exceed in savings the repair cost to you.

Mr. HARVEY. I think you will agree with me that as a matter of policy, looking forward to the future operation of this system, and I have no question but what it presently is being operated as we would want it to be, that taking the ceiling clear off could lead to a lot of grief.

I have had some experience back at the local level with this sort of

procedure, and it appears to me at least that on a trial basis raising that ceiling to 75 to 100 percent would be a much safer procedure. And, should the General Services Administration find in their experience that that has cramped them unnecessarily and cost them more money, we might be forced to make another revision, but I would be very reluctant to take the ceiling clear off.

Mr. JENNINGS. I am sure that the Administrator will consider he has a moral obligation to hold that amount in excess of 25 percent to a reasonable figure. I cannot think of any cases that would run more than 100 percent.

Mr. HOLIFIELD. I think you have a little different situation here, with the General Services Administration having the over-all responsibility and custody of the allocation of space and the furnishing of services than you do have with the individual agency that is liable to run wild under its own appropriation. Here is the General Services Agency operating, say, in my home area of Los Angeles. They are going to operate under certain rules and procedures which they testify are to the best interest of the United States and I understand that that best interest means from the standpoint of economy and efficiency. I would certainly think that would be an interpretation of best interest. It is a vague term, perhaps, but I would say it would have to be considered as to the ability of the particular agency or Government operation to obtain services and space which would enable them to operate economically and efficiently.

Mr. JENNINGS. You are absolutely right, Mr. Chairman.

Mr. HOLIFIELD. I would hesitate to give this to individual agencies. But, here is an agency that we have given the responsibility of doing the over-all space allocation and space furnishing job. Certainly, their methods and procedures are going to be carefully scrutinized.

Mr. JENNINGS. The trend has always been, in doing those jobs, to hold those costs down. I must admit that in certain agencies there is pressure to do a more elaborate job than General Services Administration would like to do.

Mr. BOLLING. Putting it very bluntly, the Administrator is the one under the gun and if he approves something that turns out to be demonstrably not in the best interests, he would be in trouble.

Mr. JENNINGS. You had it during the war, the Military Establishments had the authority for this and the General Services or Federal Works Agency had to go to those establishments and get a certificate to authorize doing certain work in excess of 25 percent.

Mr. HOLIFIELD. Yes, and I know of some very bad things in my opinion that occurred under that authority.

I am like my colleague, Mr. Harvey, and I look upon this thing with a certain amount of anxiety.

At the same time, I can see where economies can be obtained by the proper kind of repair work, putting in partitions in loft buildings, and things of that kind, which will enable you to use cheaper quarters, and other functional apparatus which would really cut down the over-all long-term lease.

Mr. HARVEY. The thing, Mr. Chairman, that I am thinking about here, particularly, is that we are making a rather drastic change in policy and my suggestion was that rather than take the lid clear off, that at least we put a tentative ceiling on it and watch the operations

and should experience demonstrate the ceiling we had suggested as a matter of policy in protecting us was still too low, we could revise it.

I am very reluctant to sign a blank check and that is virtually what we are doing.

Mr. BOLLING. I would like to pursue that a little further. With that type of change, 100 percent of the first year's rent, would that not completely knock out the possibility of taking the kind of building that you describe, an old building which you could get for much less per square foot and remodel it?

Mr. ELLIOTT. It would have this effect: The relationship to your annual rental is unrealistic because it does not take into account your term of lease.

Mr. BOLLING. In other words, you could get a 40-year lease which would justify a very substantial investment in remodeling and still be stuck by the 1-year limitation?

Mr. ELLIOTT. Yes, sir; that is quite true.

Mr. BURNSIDE. Could we not work out a sliding scale?

Mr. ELLIOTT. I should like to point out that certainly the Administrator is going to be under the gun because under plan 18, in addition to what you said, Mr. Holifield, we have taken over all of the leasing functions for the Government. I might also say that people are people, but we are not going to be doing this for our own people. In other words, if an agency is getting space for itself, it is human to get the most plush surroundings, but if somebody else is getting them for them, that person is supposed to be objective.

Mr. HOLIFIELD. We are depending on General Services Administration to be more or less the watchdog on this space problem, and that is a protection. I can see that protection in your over-all operation which does not exist in the individual agency. If you go about giving, as you say, plush-lined quarters to one agency, another agency is going to immediately come to Congress and say: "Look what happened to us and look what happened to the competing agency."

So you are going to have to have fairly regular rules of allocation and procedures which can stand scrutiny by other agencies and criticism by other agencies or they will come direct to Congress to complain of your actions. I can see that.

Mr. FORBES. Mr. Chairman, this provides the safeguard that the Administrator of General Services shall make a finding in each specific case.

Mr. HOLIFIELD. Where is that?

Mr. FORBES. At the top of page 10. In other words, under this provision we could not pass a blanket ruling or make a blanket finding that we would spend 50 percent of the first year's rent.

Mr. HOLIFIELD. In practical effect, let us say that the Department of Agriculture would want a warehouse. The General Services Administration would perhaps find a warehouse which needed flooring but the owner would not refloor that warehouse.

They could obtain that warehouse, we will say, for a long period of time, say 10 years, which is, I believe, the customary time with the Government. The Public Buildings Administration would make a finding of the cost of the flooring of that warehouse in relation to the rent and in relation to the other warehouses that were in good condition, and it would be upon those facts that the Administrator would have to certify that this would be indeed economical and for the efficient operation of that particular agency of Government?



Mr. JENNINGS. And that certificate has to go to the General Accounting Office for payment clearance.

Mr. HOLIFIELD. I see. There is another check. The General Accounting Office would be a further check, then, upon your decision?

Mr. JENNINGS. Yes, sir.

Mr. BURNSIDE. Here is one point which I do not think we have taken into consideration in light of what Mr. Harvey said.

Your high rental would not need much repair, whereas your buildings in bad condition would need quite a bit of repair.

Mr. HARVEY. I fully appreciate that it is a two-edged sword. I am not desirous of belaboring this point, because I think we will have to take it up in executive session, but it is good to have this background.

Mr. HOLIFIELD. It certainly is.

Mr. ELLIOTT. I think it makes a difference whether you are getting the quarters for yourself or whether someone else is getting them for you.

Mr. HOLIFIELD. The fact that individual certification would have to be given by the Administrator and then get the approval by the General Accounting Office would seem to indicate that it would give adequate protection along this line.

I do promise you this, that those things will be scrutinized, and this committee would be interested in knowing how it is administered.

Mr. ELLIOTT. Do you think that it would help if we added at the end of line 4: "in terms of economy and efficiency"?

Mr. HOLIFIELD. I think that would be a good clarification.

Mr. FORBES. Or "the best interests of the United States."

Mr. HOLIFIELD. You can work that language out so that it will conform properly.

Mr. ELLIOTT. Yes, sir.

Mr. HOLIFIELD. Maybe we can get through with subsection (9).

Mr. ELLIOTT. Paragraph (9), sir, is to permit us to pay sums in lieu of taxes on real property where the title has remained in a Government corporation, such as the Reconstruction Finance Corporation and where the Reconstruction Finance Corporation has been paying sums in lieu of taxes.

Mr. HOLIFIELD. That is part of the existing law now?

Mr. ELLIOTT. That is contained in the appropriation act for the War Assets Administration and is contained in this pending appropriation act now.

Mr. JENNINGS. But without this, there might be a question as to our making the same payments.

Mr. HOLIFIELD. In other words, continuing the authority which now exists in those separate agencies?

Mr. JENNINGS. That is correct.

Mr. ELLIOTT. Paragraph (10) is also appropriation language. It is where we have these big plants such as out West where we have 64 different tenants in them, but there has been a central steam plant or central electric plant there to permit us to service those multiple tenants. There is no other service available there.

Mr. HOLIFIELD. In this section (10), has there been any objection to that on the grounds that it might lead to duplication of existing utilities?

Mr. JENNINGS. That authority is also in the annual appropriation act, sir.



Mr. ELLIOTT. There has been some objection, yes, sir. I believe the Western Union people had some objection to it, and the American Telephone & Telegraph people did, too. I had a long talk, myself, with the A. T. & T. people. I tried to convince them, although I do not know whether I succeeded or not, that this was not their problem. A. T. & T. has a fixed policy that they own all telephone equipment and they were afraid that this was a kind of camel's nose under the tent. They agreed with me that there is no case presently that they have in mind which causes them any difficulty in connection with any of our occupancy of these plants.

Mr. HOLIFIELD. Do you think that this section (10) would give you authority to furnish utilities to a Government agency in competition or, let us say, to replace existing public utilities which are now serving you?

Mr. ELLIOTT. I suppose that in theory it would, although that certainly was not the intent.

Mr. HOLIFIELD. Is it necessary for you to have that even in theory? Should there not be some provision in that paragraph there "*Providing, however*, That this does not constitute authority to replace facilities which are now available to the Government," something along that line?

Mr. ELLIOTT. I am not sure about this question of availability.

Mr. HOLIFIELD. Here is some language which apparently has been submitted to Mr. Schreiber. Western Union has apparently submitted the following language:

But it is not intended to include within the provision, communication facilities, and such facilities are excluded therefrom, and from the operation thereof, with the same force and effect as though such exclusion were expressed therein.

He is only looking out for his own line of business. If the proviso is necessary, we certainly want it to be a little more inclusive.

Mr. ELLIOTT. I would suggest a proviso prohibiting us from providing such service to any one now getting such services elsewhere.

Mr. HARVEY. For example, the Department of Agriculture or any other large department down here has a vast telephone system within itself, the Department of Defense and all the rest.

Now, does that entire telephone intercommunicating system, or as we have here on the Hill, belong to the telephone company or the Government?

Mr. ELLIOTT. According to this chap who came in to see me, they all belong to the telephone company except for certain installations in the Department of Defense. The Department of Defense have certain installations of their own at various camps, but I do not have any knowledge as to those.

Mr. HARVEY. I thought that was a practical illustration of what I am talking about and whether, assuming that that is true, whether A. T. & T. might say that this would give you authority to take over and operate the telephone system within all of our Government agencies. The contracts are usually written in their favor and that, I also know. I am not holding any brief for A. T. & T., because they can take care of themselves very well.

I know from my personal experience that they would look on this with a great deal of disfavor, conceivably figuring that there was an instance in which they might have their severance so far as rates are

concerned made at the point of contract, at the Department rather than owning and charging for services throughout the Department.

Mr. ELLIOTT. Yes, sir. I would like to point out, however, that this section is limited to the plants in the national industrial reserve pursuant to the National Industrial Reserve Act of 1948 or (B) surplus real property. The reason for that (B) is that we have certain plants of that type which are now in the national industrial reserve. Then it is limited to private firms or corporations which are occupying or utilizing those plants.

Mr. HOLIFIELD. In some instances, these plants have been built in out-of-the-way places and their own electric producing generators have been put in?

Mr. ELLIOTT. That is correct, sir.

Mr. HOLIFIELD. I am thinking now of some of the plants out in Nevada and some other places.

Mr. ELLIOTT. That is correct.

Mr. HOLIFIELD. Let us take this matter up a little further in executive session and you can give us a little better information on just exactly the limits of application.

Mr. ELLIOTT. We can do that, sir.

Mr. HOLIFIELD. I do not think any of us are in favor of putting the General Services Administration into the primary utility business, and I do not think you intended that.

Mr. ELLIOTT. We do not want to get into that.

Mr. HOLIFIELD. We do not want to cripple you in furnishing certain utilities where those utilities are not available if it means the utilization of buildings which are now in your custody.

Mr. ELLIOTT. And it is not our intention to provide these services to any of these tenants if they are now receiving service from some place else. In other words, if there is any plant where presently the local public service company is now providing the utilities, we have no intention of providing that service.

Mr. HOLIFIELD. I think we can agree on that. Let us see if we can get through with subsections (11) and (12).

Mr. ELLIOTT. Paragraph (11) is also in our pending appropriation act and it came about because, well, I felt that we had the authority under the National Industrial Reserve Act to use those proceeds, but, when we put it up to the General Accounting Office, they disagreed.

Mr. HOLIFIELD. I do not see anything wrong with that, myself.

Mr. ELLIOTT. Paragraph (12) is merely a restatement of the existing Appropriation Act.

Mr. HOLIFIELD. By the way, is the General Accounting Office represented here?

Would you like to be heard on that, Mr. Johnson?

Mr. JOHNSON. We have no objection, Mr. Chairman. The proposition as stated by Mr. Elliott is substantially correct.

Mr. HOLIFIELD. Paragraph (12)?

Mr. ELLIOTT. Paragraph (12) is a restatement of the existing law. It is contained in existing Appropriation Acts and has been for many years.

Mr. HOLIFIELD. All right, we will call our hearings to a close for today and convene tomorrow morning at 10 o'clock.

(Whereupon, at 12:15 p. m., the committee adjourned to reconvene at 10 o'clock a. m., June 28, 1950.)



## TO AMEND THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

WEDNESDAY, JUNE 28, 1950

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE OF THE COMMITTEE ON  
EXPENDITURES IN THE EXECUTIVE DEPARTMENTS,  
*Washington, D. C.*

The subcommittee met at 10 a. m., pursuant to recess, in room 1501, New House Office Building, Hon. Chet Holifield, chairman of the subcommittee, presiding.

Mr. HOLIFIELD. The subcommittee will come to order.

I believe we were at the bottom of page 10, line 24, at the time we adjourned yesterday. Mr. Elliott was testifying and we were going through the bill page by page and section by section.

You may proceed, Mr. Elliott in explanation of that section (b).

**FURTHER STATEMENTS OF MAXWELL H. ELLIOTT, GENERAL COUNSEL, AND DR. WAYNE C. GROVER, ARCHIVIST OF THE UNITED STATES, GENERAL SERVICES ADMINISTRATION; RAY WARD, CHIEF, GENERAL SERVICES GROUP; AND HENRY H. MERRY, JR., ADMINISTRATIVE ANALYST, BUREAU OF THE BUDGET**

Mr. ELLIOTT. I wonder if it would be helpful to the committee if we went back for just a moment to two sections on which the committee raised a question yesterday.

Mr. HOLIFIELD. All right.

Mr. ELLIOTT. One was section (8), line 22 of page 9, the lifting of that 25-percent limitation that you and Mr. Harvey asked about. We have a suggestion for a change in language there that I think might tighten it up somewhat.

Mr. HOLIFIELD. All right.

Mr. ELLIOTT. If you will recall, last year when what is now title III, the negotiation procurement procedure was under consideration by this committee and there was some desire that we not be given a blank check to delegate that authority to some other agency for its own use. At the direction of the committee we worked out some language with the General Accounting Office that would permit such delegations under certain restrictions. It was very difficult to write any kind of monetary standard because you never can tell what situations will come up. The Congress at that time did write in a set of criteria for that sort of delegation, and we wondered if applying that same sort



of language might not do the trick. The suggested language would read as follows:

Upon a determination by the Administrator that by reason of circumstances set forth in such determination the execution of such work, without reference to such limitation, is advantageous to the Government in terms of economy, efficiency or national security. A copy of every such determination so made shall be furnished to the General Accounting Office.

I offer that for consideration as a standard of limitation and safeguard which the Congress did employ in connection with the delegation of negotiation authority to other agencies.

Mr. HOLIFIELD. Would that be the complete language to be substituted in section (8) or would you have to refer to the act?

Mr. ELLIOTT. I did not read the first part, sir, which would read:

Repair, alter, and improve rented premises, without regard to the 25 percent limitation of section 322 of the act of June 30, 1932, as amended, upon a determination by the Administrator that by reason of circumstances set forth in such determination the execution of such work, without reference to such limitation, is advantageous to the Government in terms of economy, efficiency, or national security. A copy of every such determination so made shall be furnished to the General Accounting Office.

Now that would mean, sir, that first it would have to meet the standard of economy, efficiency, or national security and, second, that in every specific case the Administrator would have to set forth a factual circumstantial finding. In other words, it would not be sufficient to say that I find it is advantageous. He would have to say, "I find it advantageous by reason of the following circumstances." Then a copy of that would be filed with the General Accounting Office.

Mr. HOLIFIELD. How does that sound to you, Mr. Harvey?

Mr. HARVEY. I have given a lot of thought to it.

As far as I am personally concerned, so long as we have the present administration, and I want you to know that I have no concern about that, I have no doubt in my mind that it will be administered properly and it was not for that reason that I raised the question. It was that if we embarked upon that policy, like a lot of other regulations which are prevalent within the Government, you can assume that during the years there is going to be a change in personnel and as changes come about the policy that was clearly understood by this committee and by those in General Services, might not be so later understood. We do from time to time see evidences; I know we have had it brought to our attention where a particular group of personnel within a given administration and a certain Congress enacted legislation.

I know I had this experience, if you will pardon the personal reference, when we drafted a similar law in Indiana, and I have seen the act mutated terribly, although we had, all of us, the best intentions in the world at the time it was written, particularly as it had to do with the purchasing. It is for that reason that I was somewhat loath to take all the ceiling off.

Now, I understand that in leaving any ceiling on, you are going to inevitably run up against conditions where you will find it a strait-jacket or an unnecessary handicap to the administration in getting the best and most efficient use of the taxpayer's dollar, but that constitutes the concern that I felt over it, and I think that you understand, too, Mr. Chairman, the principle I have in mind.

This has been a policy of long standing, which undoubtedly has in some instances cost the taxpayers, and in other instances has saved

them much money, too. As a matter of policy, not looking at the present administration of the act, but looking forward to 10 or 15 years from now, although we inaugurate this policy with the best of intentions on the part of the administration and ourselves, it may come back to embarrass us.

I do not want to be controversial about it, and if the rest of the committee feel that the revised language, which I think does tighten it up, is satisfactory, I will certainly not object.

Mr. HOLIFIELD. I will suggest that we take this language and have a discussion on it in executive session. For the present time, we will accept a copy of your amendment for consideration, and then we will make our own decision in executive committee on that point.

Was there anything else that you wanted to check back on?

Mr. ELLIOTT. On page 10, line 10, the item on furnishing utilities that was discussed yesterday.

Mr. HOLIFIELD. Yes.

Mr. ELLIOTT. First I might say that that language does now appear in our 1949 appropriation act. It is in existing law, and I can give you the reference; it is Public Law 266 of this Congress; that was the 1950 appropriation, I should say. It is on page 12 of the law.

The second thing is that after checking the facts yesterday, Mr. Jennings and I feel that if the committee wanted to add after "to furnish utilities and other services," a clause, as follows: "Where such services are not being provided from other sources to persons, firms, or corporations," that such an insert would meet our objective. In other words, there is no intention nor any situation that we know of where we would go in and provide such services if they are otherwise being provided.

Mr. HOLIFIELD. Provided or available, possibly.

Mr. ELLIOTT. Of course, available is a hard word to interpret. I mean, if there is an electric line 150 miles away maybe it is technically available, they could run a transmission line down there. Maybe if it said "reasonably available" or something of that kind.

Mr. HARVEY. I think you would still be in a quandary over that.

Mr. BOLLING. Do you want to put in "utilities and services where such services are not provided"?

Mr. ELLIOTT. "Utilities and other services," yes, sir.

Mr. HOLIFIELD. Where such utilities and other services are not provided.

Mr. HARVEY. I think that would be all right. I was not particularly concerned about it even from the standpoint of the objection that had been raised although I could understand why they would raise it.

Mr. HOLIFIELD. See if I have that language right.

Where such utilities and services are not provided from other sources.

Mr. ELLIOTT. Yes, sir.

Mr. HOLIFIELD. That is certainly agreeable to me if it is to the rest of the committee. We might consider that in executive session too after further study on it.

All right, let us start at line 24.

Mr. ELLIOTT. You will remember, sir, that 210 (a), which is the subsection which we have just finished considering, contains a number of ancillary powers. They are ancillary to a basic authority which must have been obtained from some other provision of law than 210 (a).

Now 210 (b), starting on line 24, gives us a primary power to operate and maintain buildings owned by the United States for and on behalf of and at the request of Federal agencies. We presently have that authority with respect to executive agencies by reason of section 601 of the Economy Act which permits one executive agency to furnish services to another executive agency on the request of the second executive agency and on a reimbursable basis. This would broaden that authority to permit us to furnish similar services to Federal agencies, mixed ownership agencies or the District of Columbia, but only at their request.

Mr. HOLIFIELD. Are there any questions?

Will you go to paragraph (c)?

Mr. ELLIOTT. Paragraph (c), beginning on line 7 of page 11, and running through line 2 on page 12, embodies the same principle but for different operations. The operations under (b) were to protect, maintain, and operate buildings. The operations under (c) are to acquire land and to design and to construct buildings, again only at the request of other Federal agencies.

Further, in this case, if you will notice in lines 10 and 11 there is a limitation that we are authorized to acquire land for buildings and projects authorized by the Congress so that as to any given building project, there would first have to be an authorization by the Congress for that project and then, second, a request from the Federal agency for us to do that for them on their behalf as a service.

Mr. HOLIFIELD. Are there any questions on that section down to line 3 on page 12?

All right, you may proceed.

Mr. ELLIOTT. If I could just add, as a precedent, on this subsection (c), the House has just passed a bill which authorizes the acquisition of land and construction of buildings for a mixed ownership corporation, the Federal Deposit Insurance Corporation and in that bill it provides that we will do the construction for them as a service.

Mr. BOLLING. Did that pass?

Mr. ELLIOTT. It passed the House, sir.

Mr. BOLLING. It just came up in committee yesterday.

Mr. ELLIOTT. I am sorry. I was thinking of the Old-Age and Survivors Insurance Building which has just passed the House and is in the same category.

Mr. BOLLING. Yes.

Mr. ELLIOTT. Page 12, sir, beginning on line 3, subsection (d), which runs all the way over through page 13 on line 20, is the provision which we discussed yesterday relative to making operations of the type provided for in plan 18, a continuing rather than a one-shot operation. In other words, under plan 18, certain determinations are made today as to the predominant use of a building. There would be buildings retained by the Post Office Department because, as of today, they are predominantly post-office buildings but perhaps 2 years from now in Indianapolis the Post Office Department may build a new post-office building and the old post-office building will no longer be needed in whole or in any substantial part for post-office operation.

Under such circumstances, and assuming it is an office building, it would seem desirable to transfer it to the General Services Administration central pool of office buildings.



Mr. HOLLIFIELD. What legal basis did the Justice Department use in declaring that those powers were a so-called one-shot power?

Mr. ELLIOTT. Insofar as plan 18 is concerned, sir, the Attorney General has not rendered an official written opinion. However, I have had discussions with the Assistant Attorney General in charge of what I believe is now called the Opinions Division, Mr. Abe Harris, and he has indicated in these informal discussions that their basis was that you had to have a one-shot operation in order to have had a reorganization plan within the meaning of the Reorganization Act. I believe that that theory is not peculiar to this plan but goes to a number of their plans and I believe your committee, sir, has had the correspondence with the Justice Department in connection with other plans.

Perhaps Mr. Kennedy could explain their theory better than I could.

#### STATEMENT OF THOMAS A. KENNEDY, GENERAL COUNSEL, COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS

Mr. KENNEDY. Asking about plan 24 and how it would conform in view of plan 5, the Department did render a decision stating that in effect the plan No. 5 is a one-shot proposition in that transfers to or transfers from the Department, or any of these major departments, would not be affected; that in effect the result of their opinion is that we have scraped the barnacles off the ship but that in about every 10 years you will have to go back and scrape them off again. It would seem opposite to the testimony which we had here in the hearings. Actually, of course, plan No. 5 is to realize the structure of the agency so that it would be of such a nature that the centralization of authority would be in the Secretary.

It was considered by the committee that in the light of the transcripts that that would be a continuing function but the opinion of Mr. Peyton Ford was that it was not; that only those things that were in the Department at the time plan No. 5 became operative were affected by plan No. 5 and subsequent plans no longer affected.

In addition, there being later transfers, if that later legislation would prevail regardless of the fact that it might be added to statutory authority of a bureau head, it would violate, for instance, the Hoover recommendation. So that would play in line with what Mr. Elliott is discussing here in regard to plan No. 18 which I do not believe was in the contemplation of the committee at the time.

Mr. HARVEY. It makes good legal sense all right.

Mr. KENNEDY. I do not know; I do not think it does, Mr. Harvey. I think in the long run it would violate the purposes of reorganization.

Mr. HOLLIFIELD. As far as you are concerned, Mr. Elliott, the language in paragraph (d), beginning on line 3 of page 12 and going on down to line 21, page 13, is for the purpose of overcoming that limitation?

Mr. ELLIOTT. That is correct, sir.

Mr. HOLLIFIELD. Does it do anything else?

Mr. ELLIOTT. No, sir.



The exceptions that are contained in subsection (d) are exactly the exceptions which were contained in plan 18. There is one further factor, under plan 18, the Administrator made the determination as to the various exceptions, except the exceptions as to the post office buildings which had to be determined by the Director of the Bureau of the Budget.

Under this language here, the Director of the Bureau of the Budget would have final authority on all the determinations as to the exceptions. It was felt that that was desirable because the Director of the Bureau of the Budget would be considered by the other agencies to be in an impartial position and could make an impartial determination if there was a difference of opinion.

Mr. HOLIFIELD. On page 13, beginning at line 9, why was that group of buildings left out?

Mr. ELLIOTT. They were also especially excepted from plan 18, and the reason was that they are presently exempted by law from the general authority of the Public Buildings Service to operate buildings in Washington; that is continuing a present statutory exemption.

Mr. HARVEY. Keeping it in harmony with other statutory exemptions?

Mr. ELLIOTT. Yes, sir.

Mr. HOLIFIELD. Is that true of paragraph (6)?

Mr. ELLIOTT. I am not sure that all of those in paragraph (6) are specifically enumerated in the statute, but certainly by custom and interpretation they have been exempt from the operations of Public Buildings Service.

Mr. HOLIFIELD. In other words, the Capitol building here, the Senate and the House Buildings and the Supreme Court, the Library of Congress and the Columbia Hospital, and any other buildings and grounds under the jurisdiction of the Architect of the Capitol have their own separate set-up for maintenance, repairs, and alterations?

Mr. ELLIOTT. Yes, sir.

Mr. HARVEY. We provided in Public Law 152 an option on the part of the Architect to utilize the services of General Services.

Mr. ELLIOTT. Yes, sir.

Mr. LOVRE. Can it be said under this that the Director of the Bureau is all exclusive with the exception of those exceptions specifically set forth here?

Mr. ELLIOTT. That is correct, sir.

Mr. HOLIFIELD. Any questions on that section?

Mr. MERRY. May I raise a question?

Mr. HOLIFIELD. Yes.

#### STATEMENT OF HENRY H. MERRY, JR., ADMINISTRATIVE ANALYST, BUREAU OF THE BUDGET

Mr. MERRY. Back on page 12, line 6 and line 10, we use the phrase "Federal agency" rather than "executive agency," which is what the reorganization plan covered, I believe. It may be that this (6) takes out all or practically all of the other buildings under the definition of Federal agencies.

Mr. ELLIOTT. I am sorry, I did not mention that before, Mr. Holifield, although it was mentioned yesterday. That is true that in that

respect this is broader than plan 18 because it would permit the transfer of court buildings, for instance.

Mr. HARVEY. However, if I might interpose here, this is mandatory, Public Law 152 and Federal agency is defined in the law.

Mr. HOLIFIELD. It is also defined in this, is it not?

Mr. ELLIOTT. It is the same definition.

Mr. HARVEY. I know we discussed it quite extensively and tried to nail down what we meant by Federal agency.

Mr. HOLIFIELD. Is it your thought that this is not clear?

Mr. MERRY. It is a little disturbing to me. Is not about the only thing left, the court buildings and General Accounting Office and the Government Printing Office?

Mr. ELLIOTT. I believe that is correct.

Mr. WARD. I think from our point of view it is pretty much a matter for you folks to decide. We just call it to your attention that it is different from plan 18 and plan 18 was necessarily confined to the executive agencies.

Mr. ELLIOTT. That is correct.

Mr. BOLLING. How does this relate to Public Law 152, the same field in 152? Is this an expansion of the powers in 152 by the shift from the word "executive" to "Federal"?

Mr. ELLIOTT. Well, of course, this power does not exist at all from 152. It is an expansion of the powers in plan 18, in the sense that in plan 18 they were transferring only buildings of executive agencies.

Mr. BOLLING. It seems to me that the language here gives to the executive a substantial amount of authority over branches over which it, in effect, has no authority. Is that wrong or right? What authority does the executive have over the judicial?

Mr. WARD. Under Public Law 152?

Mr. BOLLING. Under Public Law 152.

Mr. WARD. It has nothing but under this it would give some authority, as I understand it, with regard to this particular function. This would not expand any function in 152, basically.

Mr. BOLLING. But in theory, at least, if the Director of the Bureau of the Budget went along, it would be possible for him willy-nilly to take over the General Accounting Office Building, whether General Accounting Office liked it or not, to take over that building?

Mr. ELLIOTT. Actually, we are operating the building for them.

Mr. WARD. Actually it would be a voluntary basis. If there is any objection on the part of the courts or GPO or GAO, why of course the Director would not go along.

Mr. HOLIFIELD. That would be subject to your direction under this act, would it not?

Mr. WARD. If there is some arbitration, as I understand it, the Bureau would get involved.

Mr. ELLIOTT. The Bureau would have to make the final decision in every case.

Mr. WARD. It would amount to an arbitration case.

Mr. HARVEY. The definition of agency in Public Law 152 is as follows:

The term "field agency" means any executive agency or any establishment in the legislative or judicial branch of the Government except the Senate and House of Representatives.

Mr. BOLLING. In this bill, the definition on page 35 adds "except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction."

So, the definition is slightly changed.

Mr. HARVEY. I am wondering—this is just a technical question—if we might not be leaving some confusion there in not sticking to the same definition?

Mr. HOLIFIELD. This language was written in because of very strenuous objections on the part of the Architect of the Capitol, as I understand it.

Mr. HARVEY. I think a legal interpretation of it would say that this definition would hold precedence over the one in the act, or the amendatory proposal, would hold precedence—the definition here—over the one in Public Law 152 and I do not think there is any doubt about that.

Mr. HOLIFIELD. I do not think there is either.

Mr. HARVEY. By this exemption right here in (6) we have taken everything out that would come under the purview of the Architect of the Capitol and I say that it might be better, rather than to start changing your definitions, to stick to the same definitions. Is that not right?

Mr. ELLIOTT. I agree with you.

Mr. HARVEY. In subsection (6) on page 13, we have taken everything out that comes under the Architect of the Capitol.

Mr. HOLIFIELD. That was upon his insistence.

Mr. HARVEY. Yes. I have no objection to that, but I would not see then that it would be necessary to start changing your definition since we have by direct mentioning taken out everything that would be of concern to him anyway. I am not particularly controversial on the point at all, the only thought I had is that it might be better to stick to our original definition since the architect's objections had been met anyway. We can mark that, Mr. Chairman, and give it more consideration later.

Mr. HOLIFIELD. We might call the Architect in on that.

Mr. HARVEY. Yes.

Mr. HOLIFIELD. Let us proceed to section 211 then.

Mr. ELLIOTT. Section 211 deals with automobile identification.

I understood from the statement of the chairman yesterday, that he plans to call Mr. Ward and Mr. Merry from the Bureau of the Budget later to testify on this bill and they are much more familiar with the need for section 211 than I, and if it is agreeable to the committee, I would like to pass that section and leave it for Mr. Ward and Mr. Merry to explain.

Mr. HOLIFIELD. That brings you down to section 6, on page 14?

Mr. ELLIOTT. Yes, sir.

Mr. HOLIFIELD. If we skip the automobile identification?

Mr. ELLIOTT. Yes, sir.

Mr. HOLIFIELD. As far as you are concerned, you have no objection to that section and we will have it explained later by Mr. Ward?

Mr. ELLIOTT. No, sir.

Mr. HOLIFIELD. Section 6?

Mr. HARVEY. That is just retitling.

Mr. HOLIFIELD. Yes.



Mr. ELLIOTT. Section 6 (a), (b), (c) are technical and for the purpose of retitling. Then, subsection (d), which begins on line 1 of page 15, inserts a new title on Federal records. If you recall, as Dr. Graves of the committee staff explained at an informal meeting of this committee last Friday, when Public Law 152 was passed, and the National Archives transferred to the General Services Administration, the committee indicated, and I believe that hearings will show, that it felt that substantive legislation on records management could not be developed at that time a year ago because of lack of sufficient information on the subject. The Bureau of the Budget and this Administration was directed by the committee to make a study of it and to present its recommendations for records management, substantive records management legislation at the earliest opportunity.

This is the opportunity and this is the legislation which we recommend, on that subject.

Mr. HOLIFIELD. Let us take it section by section.

Mr. ELLIOTT. All right, sir.

Would it be agreeable to the committee, Mr. Chairman, if at this point I passed the ball to Dr. Wayne E. Grover, the Archivist of the United States?

Mr. HOLIFIELD. We will be very glad to hear from Dr. Grover.

#### **STATEMENT OF DR. WAYNE C. GROVER, ARCHIVIST OF THE UNITED STATES, GENERAL SERVICES ADMINISTRATION**

Dr. GROVER. Thank you.

We can proceed section by section, if you like. Section 502 continues existing authority in the National Archive Act with this extension of authority that the Administrator is given the authority to design and construct buildings for Federal records in accordance with his substantive authority to establish Federal records centers in section 505 (d), later on in the title.

Section 503 continues an existing agency, the National Historical Publications Commission, but changes its membership to make it more of a national body, Mr. Chairman, and in paragraph 503 (d) a sentence is added as follows:

The Commission shall also cooperate with and encourage appropriate Federal, State, and local agencies and nongovernmental institutions, societies, and individuals in collecting and preserving and, when it deems such action to be desirable, in editing and publishing the papers of outstanding citizens of the United States and such other documents as may be important for an understanding and appreciation of the history of the United States.

Mr. HARVEY. Pardon me, where is that?

Dr. GROVER. Section 503 (d), page 17, beginning on line 24, the new language.

That language is inserted in accordance with the statement made by the President at the Library of Congress with the publication of the first volume of the Jefferson papers in which he pointed up the necessity for such an activity on the part of a national body in the interests of making known the cultural heritage that we have not only from our political leaders but from scientists, business leaders, labor leaders, religious leaders, and so forth, many of whom have accumulated papers which should be properly preserved by private foundations and if we can encourage the private foundations to do so, with private funds, might very well be published.



I have in mind, for example, the papers of Thomas Edison which are in the custody of the Edison Foundation in New Jersey, and I am sure that with some encouragement they might very well publish some of his private diaries and letters which are of immense interest to those studying the development of American civilization.

Mr. HOLIFIELD. The Commission is, in effect, an adviser then, and is not empowered to incur debts or expend funds?

Dr. GROVER. The Commission is an adviser to the Administrator. The Commission may recommend to the Administrator the publication of official records of the Federal Government, such a publication as is now proceeding in connection with the Territorial papers of the United States and the Administrator may approve such publication but, of course, he has to get the appropriations to proceed with the work.

Mr. HOLIFIELD. From Congress for that particular project?

Dr. GROVER. Yes.

Mr. HOLIFIELD. So that the Congress would have scrutiny over any funds expended in the final analysis?

Dr. GROVER. Yes, sir.

Mr. HOLIFIELD. Are there any questions on that one?

Let us take section 504, then.

Dr. GROVER. Mr. Chairman, there was a line added in the committee print on page 17, line 5, beginning with "including the personal services of an executive director and such an editorial and clerical staff as the Administrator may determine to be necessary." I had assumed that the Commission had authority to have a permanent secretariat but the legal staff thought that this authorizing legislation was necessary; am I not right, Mr. Elliott?

Mr. ELLIOTT. That is correct.

Dr. GROVER. That would make it possible for the National Historical Publications Commission to supervise directly. For example, the publication of the Territorial Papers, which is now proceeding under prior legislative authorization.

Mr. HARVEY. How much staff would be required?

Dr. GROVER. I would anticipate for the permanent staff of this Commission that it should have no more than a director, perhaps one assistant and a secretary, Mr. Congressman.

Mr. HARVEY. A modest staff?

Dr. GROVER. Very small.

Mr. BURNSIDE. How do you propose to implement this, to get these private agencies to publish, by encouraging, or what?

Dr. GROVER. By conferring with private foundations and with scholars and organizations which have funds to finance such a project.

Mr. BURNSIDE. Like Harvard, for example?

Dr. GROVER. Yes; the Carnegie Foundation, the Ford Foundation, and the Rockefeller Foundation.

Mr. BURNSIDE. How would you be able to encourage them more than they are already being encouraged?

Dr. GROVER. There is no national body in the field today, Mr. Congressman, which can make recommendations on this subject and which has the function of taking an over-all view of what is needed. The foundations themselves have limited funds and I think a body with the prestige of the National Historical Publications Commission will be able to set some priorities, some long-range program.

Mr. BURNSIDE. In other words, cooperation between these different organizations, where one might have some funds and another have some funds and bringing them into a pool?

Dr. GROVER. Probably a number of them into a pool.

Mr. HARVEY. It might be possible that a Commission could have the over-all viewpoint and possibly better coordinate the activities of other private and semipublic institutions or foundations.

Mr. BURNSIDE. You are trying to coordinate like we did on the check lists of newspapers in the United States and Canada?

Dr. GROVER. Yes, sir. It would be an official coordinating body at the national level. You see the representation includes not only Members of Congress and the executive branch, but private people, representative members of historical associations, and to private citizens designated by the President who are outstanding in the social or physical sciences.

Mr. BURNSIDE. I am somewhat familiar with it because I did some of the work for Duke and I was on the check list staff for the Union Check List of Newspapers of the United States and Canada.

Dr. GROVER. I see.

Mr. LOVRE. That is the only reason for this section anyhow, is it not?

Dr. GROVER. That is right.

One other point is that I understand it is desired to bring out that this sentence beginning at the top of page 18 would not prohibit the publication of the papers of foreigners while emphasizing the papers of outstanding citizens of the United States.

There is the additional language:

and such other documents as may be important for an understanding and appreciation of the history of the United States.

It was mentioned the other day that papers of a man like Lafayette, or some other foreigner who played an important role in American history, might very well be included and I think the record should show that there is no intention to exclude and limit this to American citizens.

Section 504 is a new section in the committee print that was not in the Bolling bill.

Mr. LOVRE. Mr. Chairman, may I just ask one question before you leave this section?

Mr. HOLIFIELD. Yes.

Mr. LOVRE. It will be up to the Commission itself then, to determine what articles, periodicals, and so forth, are to be perpetuated or be made a permanent record?

Dr. GROVER. The Commission would have no veto power over what any private foundation wanted to do under its own initiative. The authority of the Commission, as stated under this section, is to cooperate with and encourage and in so doing, make recommendations as to what should be given precedence.

Mr. LOVRE. I understand that, but insofar as the Government is concerned it will be the Commission itself that will determine what kind of papers they want to make a complete and everlasting record of?

Dr. GROVER. Insofar as the records of the Federal Government are concerned; insofar as the publication of those works, that is the existing function of the Commission. There is no change in the language with respect to that function.

Mr. BURNSIDE. You will determine, too, what records are to be kept and what records are to be discarded?

Dr. GROVER. That is a continuing function of the Administrator and the Archivist which comes into a later section of the bill.

Mr. BURNSIDE. There is no change?

Dr. GROVER. This section is concerned primarily with respect to official Federal records, which shall be published and which shall not.

Mr. BURNSIDE. I see.

Dr. GROVER. Not all permanent records, I should point out, are published by any means. Selections of records are published. This Commission recommends what those selections should be as in the case of the Territorial Papers a very long-range publishing process itself which is covering the selecting of the individual documents relating to the growth of our Territories and the Federal Government's relation to them. We are publishing them in a series of about 49 volumes.

Mr. LOVRE. I did not question the wisdom of this at all, but it could become a very effective agency for spreading propaganda or philosophy in one way or another, could it not?

Dr. GROVER. The basic concept underlying this Commission, underlying the cooperation and encouragement of private agencies, is that it shall promote an understanding and appreciation of the history of the United States, a democratic history, our democratic culture and democratic background; that was the idea behind the President's statement at the Library.

Mr. LOVRE. I understand that, but there is always a difference of opinion as to what is desirable and what is not desirable. My opinion is that this could become a very effective agency in spreading propaganda one way or the other.

Mr. BURNSIDE. That was one reason why I think they have taken other organizations, such as the American historical societies, and these others that have for years and years tried to preserve these outstanding documents and included them in the list. They are not just Government officials?

Dr. GROVER. That is right.

Mr. LOVRE. I am not questioning that, my point is that this could become an effective propaganda agency in the future.

Mr. HOLIFIELD. It seems to me that when you consider the type of people that would be on this Commission, one Member of the United States Senate, one Member of the House, one representative of the judicial branch of the Government appointed by the Chief Justice, one representative of the Department of State, and one representative of the Department of Defense, two members of the American Historical Association, and other members who are outstanding in the fields of social and physical sciences, I think there is as much protection as possible offered by the wide diversification of people that would be on this Commission in view of the long and staggered terms. It would be a very hard Commission for any group to capture and divert into any kind of propaganda purposes, particularly when the Commission's purpose is really to select historical documents for publication.

Dr. GROVER. It seems so improbable to me, Mr. Chairman, that I had not considered it, although I had not considered the Congressman's point. The credo of historians in historical accuracy and truth. If any attempt were made to capture this Commission for any propaganda purpose or partisan purpose, we would hear about it.



Mr. LOVRE. Do not misunderstand me. I do not think that it will happen but my question to you is that it could happen; could it not?

Dr. GROVER. Mr. Congressman, anything could happen.

Mr. BURNSIDE. Maybe this would clear it up a little bit. One step is to collect documents and save the ones that you think it advisable to save. This, I think, might clear up what Mr. Lovre has in mind.

Another step is to publish only the key documents of private and Government agencies?

Dr. GROVER. I can refer you again to a publication that is now going on which I assure you is absolutely objective, it has been complimented by historians all over the country and that is the publication of the Territorial Papers of the United States.

Mr. ELLIOTT. Mr. Lovre, this authority presently exists in law as to the publication by the Commission. There is now in existence a commission which has authority to publish.

Mr. HOLIFIELD. I would like to call attention to something there on your page 17 where it says "including the personal services of an executive director." Now, it is true that the executive director would have the day-to-day duties of this commission and yet you make no provision there for his appointment or any control at all as to who he should be. I do not even believe it is clear as to who shall appoint him.

It says that the Administrator can pay him, but there, looking at it from Mr. Lovre's standpoint, would be a good place to control the type of man who would be the executive director. It would seem to me that if you wanted to give it full protection, you should have him selected by this Commission.

Mr. ELLIOTT. Yes.

Mr. BURNSIDE. That is a good point.

Dr. GROVER. I would certainly agree to that.

Mr. LOVRE. Yes.

Mr. HOLIFIELD. I suggest that there be proper language drafted which would make the selection of the Director of the Staff at least a matter of Commission direction, rather than as it is.

Mr. ELLIOTT. It is only there by implication.

Mr. HOLIFIELD. This is only as to the size of the staff, and so forth. Will you prepare that language then, Mr. Elliott and Dr. Grover?

Mr. ELLIOTT. Yes, sir.

Mr. HOLIFIELD. Would that take care of it, in your opinion, Mr. Lovre?

Mr. LOVRE. I think it should, Mr. Chairman, it would make it a lot better.

Mr. HOLIFIELD. You are down to the Federal Records Council, are you not?

Dr. GROVER. Section 504, page 18. This Council, which is an advisory council to the Administrator, succeeds the existing National Archives Council.

In their comments on this bill, as I understand it, most all of the agencies, as far as I know, are in favor of the objectives and purposes of the bill. All of them also wanted to see a statutory council in the law advisory to the Administrator in succession to the existing National Archives Council and this section was put in to, in effect, satisfy the agencies, although the Administrator under another title of the act is required to consult with and advise with the agencies in the issuance of any regulations under this act.



Mr. Larson has accepted the provision for this statutory council and I think that in this field it may be wise to include it in the bill.

Mr. HOLIFIELD. It takes the place of the former National Archives Council?

Dr. GROVER. It takes the place of the National Archives Council.

Mr. HOLIFIELD. Is it constituted the same way?

Dr. GROVER. No, sir; the membership of the National Archives Council was established in the National Archives Act. Under this section 504, the Administrator, while a number of representatives from legislative and judicial and executive branches is specified, members from the executive branch are designated by the Administrator from persons nominated by the head of the agencies concerned.

Mr. HARVEY. What are those agencies?

Dr. GROVER. The Administrator would have a choice there, Mr. Congressman, in determining.

Mr. HOLIFIELD. Representatives of legislative, judicial, and executive branches?

Dr. GROVER. Yes.

Mr. HARVEY. Looking now on lines 3, 4, and 5 on page 19, that does not strike me as the best language in the world to use in conjunction with that, at least it does not mean much to me.

Mr. HOLIFIELD. Where is that?

Mr. HARVEY. Line 3, 4, and 5, on page 19.

Dr. GROVER. Mr. Chairman, the Council should, of course, be kept small enough so that it will not become completely unwieldly.

Mr. HARVEY. I am not arguing about the number. The method of selection seems vague:

Members of the Council representing the executive branch \* \* \*.

Mr. BOLLING. Is not the purpose of that to retain flexibility and give the executive agencies a sort of rotation on the Council?

Dr. GROVER. That is right.

Mr. BOLLING. And at the same time, giving them enough nominating power so that the person of their choice will be nominated?

Dr. GROVER. That is what I was going to say, that this will give some flexibility to appointments on the Council and enable the Administrator to rotate among the agencies and to choose from some small agencies and some large agencies. The existing Council has resulted in many complaints from the small agencies because the existing Council is limited to Cabinet, departmental, representation.

Mr. HARVEY. There is nothing in there that would preclude, as I see it, them from appointing all six of them, from the Department of State.

Dr. GROVER. The language does not preclude that, Mr. Congressman, but the Administrator would certainly be unwise if he did so.

Mr. HARVEY. Do you not think that a proviso could well be included in there, "*Provided*, That no more than one member shall come from any agency"?

Mr. BOLLING. No; it could not.

Mr. HOLIFIELD. Is that not taken care of on page 18, where it says:

the Council shall include representatives of the legislative, judicial, and executive branches of the Government in such number as the Administrator shall determine, but such Council shall include at least four representatives of the legislative branch, at least two representatives of the judicial branch, and at least six representatives of the executive branch. Members of the Council representing

the legislative branch shall be designated, in equal number, by the President of the Senate and the Speaker of the House of Representatives.

In other words, the members shall be designated by the head of the agency concerned.

Mr. BOLLING. You want a provision in there that no more than one individual from any one agency can serve at one time?

Mr. HARVEY. Yes.

Mr. BOLLING. There is no objection to that.

Dr. GROVER. No; no objection to that.

Mr. ELLIOTT. That would be the practice, I am sure.

Mr. BOLLING. Let us put the language in anyway.

Mr. HOLIFIELD. Would line 5, after the word "concerned", take care of it by inserting the provision, "*Provided, however, That no more than one member from each branch shall be designated at any particular time*"?

Mr. ELLIOTT. "From one executive agency."

Mr. HOLIFIELD. Will you get that language, please?

Mr. ELLIOTT. Yes, sir.

Mr. HOLIFIELD. Now, is there any other comment on this section 504? If not, we will take section 505.

Dr. GROVER. Section 505, Mr. Chairman, gives the Administrator the authority to exercise central staff supervision over all the three major substantive areas of records management; that is, the creation of records, the maintenance of current records, and the disposition or disposal of records.

It spells out, in other words, in 505 (a), (b), and (c), what the authority of the Administrator is in the field of records management more specifically than is at present true in 152, in the Federal Government.

Section 505 (d) authorizes the Administrator, in accordance with the recommendations of the Hoover Commission, to establish record centers for the storage, processing, and servicing of records of all Federal agencies pending either their deposit as permanent archives with the National Archives or their disposition, disposal, or destruction.

The vast majority of records, as you gentlemen know, are not permanent records and should not be incorporated with the permanent archives of the Government. But a great many of them must be kept for administrative or legal purposes for a period of years. They are not, in frequent years, in current operating agencies. We feel that they can be most economically and efficiently kept in these central records centers serving all Federal agencies.

Mr. HOLIFIELD. I think that is one of the best economy plans that the Hoover Commission brought out; that is, this record-center method of taking care of records.

Dr. GROVER. I think we can save a great deal of money in that way, Mr. Chairman.

Mr. BURNSIDE. In that way it will be possible to go back from time to time and go through these records and eliminate the ones that will not be needed any more.

Dr. GROVER. Those which are not of permanent value.

Mr. BURNSIDE. That will uncover a lot of storage space.

Mr. HOLIFIELD. The question of the relinquishment of records by an agency to these records centers comes to my mind. What author-

ity would the Administrator have to require an agency to turn over its records to these record centers?

Dr. GROVER. In the next section, Mr. Chairman; that is, section 506 (a)——

Mr. HOLIFIELD. Well, we can consider it, and then come back.

Dr. GROVER. The head of each agency is directed to maintain a continuing program of records management, including the transfer, under paragraph 506 (c), of records that are not needed in the current activities of the agency to these record centers.

Mr. HOLIFIELD. It really leaves with the head of that Federal agency, the determination as to whether he shall relinquish his records; does it not?

Mr. HARVEY. Yes; but there is a statement of power which is given to the Administrator, on page 20, beginning with line 9, for the Administrator to go in and inspect.

Since he will be charged with providing space requirements for these agencies, it does give him a counterbalancing power.

I think it is correct, Mr. Chairman, that technically the determination should be left with the head of the agency, but we do give the Administrator a chance to take a look-see.

Mr. BOLLING. I would like to raise a general question.

What about the impact of this on the judiciary in relation to present operations?

Mr. HARVEY. There is an exemption in that same paragraph.

Mr. BOLLING. The use of the term "Federal agency" brings the Federal judiciary back into this problem, and I am just curious——

Dr. GROVER. That is right, Mr. Bolling; but in the National Archives we have been working with the judiciary and the legislative branches for 15 years. I am sure that they would not want to be out under the provisions of this bill.

Mr. BOLLING. That returns us again to the definition of "Federal agency."

Dr. GROVER. The only legislative organizations that are outside of the bill are the House and Senate, the Congress itself.

Mr. ELLIOTT. And the Architect of the Capitol.

Dr. GROVER. Yes.

Mr. HARVEY. With regard to restricted information, on page 20, line 18, it says:

\* \* \* subject to the approval of the head of the custodial agency.

Mr. BOLLING. I personally think that is plenty of protection, but I just wondered whether there is any difficulty anticipated.

Dr. GROVER. I don't anticipate any. We have worked with the administrative officer of the court system on records disposal. I am sure the courts would want to take advantage of our regional records centers. I anticipate no difficulty there at all.

Mr. BURNSIDE. Do you anticipate any difficulty with regard to secret papers of the United States Government where the administrator would have the right to go in and inspect them?

Dr. GROVER. No, sir, I don't anticipate any difficulty. Under the National Archives Act, we have had the authority to inspect all records of any agency for the past 15 years: and we have had no difficulty with that whatsoever.



Mr. BURNSIDE. You then have proper security, of course, in the type of men you have?

Dr. GROVER. Oh, yes.

Mr. BURNSIDE. Are they covered for security risks?

Dr. GROVER. Yes, sir, we must have them so covered.

Mr. BURNSIDE. I am just wondering, for instance, if they would go in the CIA or Atomic Energy Commission.

Dr. GROVER. They would have to be cleared before they would go under the act itself.

Mr. LOVRE. May I ask when the National Archives Act was passed?

Dr. GROVER. 1934.

Mr. BOLLING. For the record, I would like to say that the Department of Justice has approved the whole of this matter that deals with records management.

Mr. ELLIOTT. On the security aspect, there is a security program throughout the executive branch of the Government now as you know. For instance, if the National Security Resources Board has certain restrictive matters which they want to discuss with General Services, before any of our people can get into that, they must be cleared.

Now, the process of clearing is that they first have to be checked over by our own security officer, and then he communicates with the security officer of the National Security Resources Board and they must be approved by him before our people are able to get into those matters.

I mention that because we had a situation not too long ago in General Services where a matter came up. They wanted to discuss it with our folks, and we found that through some administrative slip we had never had the Administrator of General Services cleared for security reasons.

Mr. BURNSIDE. That is the point I was raising.

Mr. ELLIOTT. Under the security program, the people in our place would be cleared with the security officer of the agency affected.

Mr. HOLFIELD. I would like to return to the top of page 21, lines 1 and 2, which read: “\* \* \* and to operate centralized microfilming services for Federal agencies.” There is another opportunity for quite large savings, I think, in microfilming.

Now, will you explain to me what you mean by operating centralized microfilming services?

Dr. GROVER. Mr. Chairman, we anticipate that possibly in each of these record centers we will establish a central microfilming service which could, either through appropriated funds or on a reimbursable basis, provide microfilming services to other agencies.

The reason I think economies can be obtained there is that microfilming equipment, of course, is scarce and expensive, and it should be operated on a full-time basis, if possible.

Frequently, in the executive agencies at the present time, microfilming equipment is procured and a small microfilming job is done, and the equipment lies around idle and is not given full-time use.

It is a specialized task. Microfilming requires specialized skills, and that also will be an advantage of centralized services.

A good deal of Federal money has been wasted on microfilming projects that were not properly handled technically. That is, just like any other kind of photography, you have to know how to take the picture and index the film before it is of any use.



Frequently agencies will rush into a microfilming project, thinking it is a highly desirable thing to do—which it is, as a general principle—without knowing how to do it, and before they find that out they have spent thousands of dollars.

Mr. LOVRE. I presume there are a great number of agencies that have microfilming equipment now?

Dr. GROVER. Yes, sir.

Mr. LOVRE. Would the passage of this bill mean the elimination of duplicating services in the various agencies?

Dr. GROVER. Again, Mr. Congressman, that is not mandatory.

There is no mandatory veto authority here on the agency to stop a project and transfer it to the center.

Mr. LOVRE. Then you are just adding one more department to the whole Federal set-up, if you are not going to eliminate duplicating services?

Dr. GROVER. We hope that working through the Budget Bureau we can stop some of the projects in the agencies and start them up in the centers.

Mr. BOLLING. There will be this impact: For example, there may be half a dozen agencies that have this service set up for themselves. If you get this service established on a centralized basis, and if they come up for appropriations and ask for a dime to operate their microfilming services, you have this way of cutting them off.

Mr. LOVRE. I recognize, however, that they will fight to keep those extra employees and that extra money in those other departments. It seems to me that we should have a centralized microfilming service, but at the same time we should take that operation away from the other departments and agencies, if you really want to cut down.

Mr. HARVEY. Pardon me for interrupting you, Dick, but may I make this suggestion there: I just want to say along that very line that if you do not want to include that in the bill itself, why not include it in the report?

Mr. HOLIFIELD. I think this should be included in the basic legislation. I would like to hear from Mr. Ward on that.

Mr. WARD. I want to say that the general principle in Public Law 152, as stated in section 201 (a), is that the Administrator has authority, if he can show that economy or efficiency of service will result, to make determinations with respect to how various things should be done. When he concludes that there should be some consolidation of repair shops, supply centers, fuel yards, and other similar facilities, he has the authority then to consolidate. That is the general principle of Public Law 152.

I don't know the legal aspect, but I would think that that would apply to this same thing.

The Administrator can make a study of these microfilming set-ups in the various departments and make a determination, if it appears likely that the interests of the Government are going to be served by centralization, to go ahead and have that done.

Mr. LOVRE. But the gentleman just said that it was not mandatory.

Mr. HOLIFIELD. Certainly, if a certain group of agencies within a certain area were duplicating each other's microfilming service, that would be considered by the Bureau of the Budget when their itemized requests for appropriations came in.

Mr. WARD. When the Administrator made his annual report to Congress, he would report that also.

But I don't believe that Dr. Grover meant that in connection with the over-all bill. He was speaking about this particular section; weren't you?

Dr. GROVER. I was referring to that particular line, that we had no veto authority on that line.

Mr. ELLIOTT. I think the difference is this: Under 201 (a) procurement was limited to executive agencies, whereas this section provides for Federal agencies. It might not be desirable to give us plenary authority to take over the services of nonexecutive agencies. Perhaps the purpose could be served if we left it as it is now to operate, which would be, as Dr. Grover indicated, centralized microfilming services for Federal agencies, and then were to add in there language similar to that in 201 (a), that when he determines it to be advantageous to the Government, in terms of economy or efficiency of service, to consolidate and take over the microfilming services of executive agencies.

Mr. LOVRE. I think it should be in there because if you are going to add, then you have got to take something off some place for efficiency and economy.

Mr. BOLLING. What executive agencies do a substantial amount of microfilming at the present time?

Dr. GROVER. The Defense Department does a considerable amount of microfilming. I understand that one project in the Justice Department has already been stopped by the Budget Bureau, pending the establishment of the facilities in the GSA. Mr. Ward can verify that.

Mr. BOLLING. If some provision were put in, it seems to me, to make this mandatory, we would have to be very careful to except the intelligence agencies.

Mr. HOLIFIELD. I think there will be instances of specialized microfilming work which it would be much better to leave with the agency than to force them to come to an agency, for instance, like the Archives. I am thinking particularly of certain atomic energy records which I know are microfilmed. I do not believe the basic Atomic Energy Act would permit those microfilmed records to be taken out of the Atomic Energy Commission's custody. I think it has to be on a permissive basis.

Mr. ELLIOTT. In the case of the Atomic Energy Commission, of course they are exempt from any mandatory features of the act generally.

Mr. HOLIFIELD. And the CIA.

Mr. ELLIOTT. And the CIA is exempt also.

Mr. LOVRE. Then why not make it mandatory?

Mr. BOLLING. The Military Establishment is generally exempt also, and the FBI.

Mr. ELLIOTT. Of course, I can see that a lot depends on the good sense of the Administrator. After all, we have to have people to carry out the laws; but I was thinking that they would apply here the same standard that applied in procurement, and that is that the Administrator would be authorized to consolidate and take over only when he made the determination that it was advantageous to the Government in terms of economy, efficiency, or service, and with due regard to the program activities of the agencies concerned.

Mr. LOVRE. It is going to make it a whole lot easier, if you are going to add something to an agency, to take something away from that agency, if you want to get away from a lot of headaches and if you want efficiency and economy.

Mr. ELLIOTT. That is correct, sir.

Dr. GROVER. If language can be added which has some flexibility in it, I certainly would have no objection to it.

Mr. HOLIFIELD. I would be against the theory of making it rigid. I would like to accomplish just what Mr. Lovre wants to accomplish, but I want to have a little more information. For instance, I want to have some testimony from the FBI on any mandatory transfer of microfilming from their own establishment out to a general establishment such as this would be. I just do not believe you would have the security, and possibly the convenience of those records would be involved, and the efficiency of operation of these particular agencies.

Mr. BURNSIDE. Right there, no other agency would be needing the FBI records, would they?

Mr. HOLIFIELD. I would say that these centralized storage centers will be used more for records which are not current and probably not of a secret nature.

Dr. GROVER. Yes.

Mr. HOLIFIELD. Currently not needed by the agency.

Dr. GROVER. Some flexibility, Mr. Chairman, would be essential.

Of course, I should explain that microfilming is used for two purposes. One is as a means of preserving records, as you microfilm the records and throw the originals away.

The other purpose, which is used quite frequently in the Government Departments, is simply as a means of making a reproduction in a current process as a part of current administrative activity.

For example, we saved a good deal of money in the Army during the war by using microfilming cameras to record vouchers in transit to the General Accounting Office. But the voucher was the current record and had to be kept on microfilm for current operating purposes in the agency.

Now, banks use microfilming in current operations just to save listing checks, for example. So that type of use, which doesn't involve the preservation of the records particularly, but is merely a part of office procedure, must remain flexible. The agencies must have authority to continue the use of that type of machine just as they can use an IBM electronic calculator or typewriter.

It was intended that these services would be primarily services in which the preservation of records is intended.

Mr. BURNSIDE. Along that line—and it fits in with that same idea—what about universities that would like these permit records to use for study? Can we make them available at cost?

Dr. GROVER. We do now, Congressman, and have for a number of years made available to universities all over the country positive copies of microfilm of research materials at cost.

Mr. BURNSIDE. We would have to be very careful to prevent the drawing upon any of our secret documents.

Dr. GROVER. Of course, we would make proper security arrangements as to anything that was classified like that. We do have classified material in the National Archives, as you know.



Mr. HOLIFIELD. On this microfilming of records, is there any legislation needed along the line of making them of use in courts and establishing their legality?

Dr. GROVER. That legislation is included in the act in a later section, and it simply continues existing authority which makes microfilm legally admissible in courts.

Mr. ELLIOTT. That is section 509 (a) on page 29, line 6.

Dr. GROVER. Yes, that is right.

Mr. HOLIFIELD. What page?

Mr. ELLIOTT. Page 29, commencing on line 5, really.

Dr. GROVER. Section 509 (a) does two things.

Mr. ELLIOTT. Yes.

Mr. BURNSIDE. One word you use there is "photographic." You mean "photostatic," do you not?

Dr. GROVER. Yes, sir.

Mr. BURNSIDE. "Photostatic" would be the word there rather than "photographic," would it not?

Dr. GROVER. Sometimes you make a photograph of a document. "Photographic" is the over-all word. It is the more all-embracing term, and I think it should be used.

Mr. BURNSIDE. Cannot photographic material be doctored, while photostatic material cannot be doctored? Is that not true?

Dr. GROVER. Photographic material cannot be doctored unless you doctor the negative. It conceivably could be doctored.

Mr. BURNSIDE. A photostat would show up any doctoring. I believe we have had cases in the courts on that.

Mr. BOLLING. Does not "photographic" include "photostatic"?

Mr. LOVRE. What is the difference?

Mr. BURNSIDE. One process will show up doctoring, and one will not. For instance, I am sure you have seen pictures which have been doctored.

Mr. LOVRE. Like the picture of the big fish.

Mr. BURNSIDE. And many other types. But doctoring in the case of photostatic material would show up; at least scientists tell me that is true.

Dr. GROVER. Yes. In photographic reproduction, you make the negative and then make the positive print from the negative, while a photostatic reproduction is a direct reproduction on photostatic paper from the original.

Mr. BOLLING. There is one thought that occurs to me, if I may move on to a different line of thought. You brought out the fact that microfilming is used a good deal in current operations.

Dr. GROVER. Yes, sir.

Mr. BOLLING. Would there be any point and would there be any virtue in clarifying that phrase on page 21, lines 1 and 2, to state that it is for the purpose of records, or do you think that is clear enough in the composition of "d" itself?

Dr. GROVER. Mr. Bolling, I think that provision is clear enough. With respect to the mandatory authority, since the Administrator has authority to survey records management operations in all the agencies and to make recommendations to the Budget Bureau and to Congress on it, I think that this matter of getting some mandate in there is not absolutely essential. I think we can work it out without the mandate.

Now you have no possibility of duplicate facilities there in the way of microfilming the same records. There can be no duplication in



that sense. It is a question of a more economical utilization of micro-filming equipment, and I think it would be particularly true in small operations and for small agencies.

The very large agency may establish its own microfilming operation just as cheaply and as economically and as efficiently as the Administrator.

In those cases, I think the Administrator should authorize the agency to proceed. However, I do appreciate the Congressman's intent.

Mr. LOVRE. We know very well that, if something is not taken away, it will be just continued to pyramid and pyramid. That is Government—the more they can get the more they want. You have to spell it out in your basic law, if you want to cut down.

Dr. GROVER. Microfilming costs money, a good deal of money; and every branch has to go through the Budget Bureau, and I should hope that we would be able to work with the Budget Bureau on that score.

Mr. BURNSIDE. Were we going to finish with the item on page 29 now, or are we going to come back to that later?

Mr. HOLIFIELD. We will go on to 21 and proceed in order. Let's keep that in mind for executive session and go ahead from the top of page 1, Dr. Grover.

Dr. GROVER. Section 505 (e) gives the Administrator authority to make regulations governing the transfer of records from the custody of one executive agency to another. That authority is now exercised by the Director of the Bureau of the Budget under an Executive order. It is our feeling that, since the Administrator has been given central-staff responsibility in the field of records management, he should issue the regulations on that subject.

Of course, records are frequently transferred from one agency to another when functions are transferred and the records are needed for the continuing performance of those functions in current operations. But there needs to be some control.

Frequently records are transferred from one agency to another when there is no necessity for it at all, and they just build up excess files in the agency to which the records have been transferred. There needs to be some staff review of that.

Mr. HOLIFIELD. Would section 505 (e) give the Administrator power to promulgate regulations which could force the transfer of records?

Dr. GROVER. It possibly could.

Mr. HOLIFIELD. That is within the executive agencies sphere?

Dr. GROVER. Yes. In fact, under the existing Executive order, I think it would be possible to force the transfer. I cannot conceive of a case offhand where that might occur.

Mr. HOLIFIELD. You may proceed, Doctor.

Dr. GROVER. Section 505 (f) is simply a provision which will enable the Administrator to extend the disposal time and schedules that have been approved by Congress, if there is a showing of need for that.

I think some flexibility there is necessary.

An instance I can think of happened several years ago, again in the Army, in connection with bills of lading when the statutory disposal period was 5 years and the General Accounting Office suddenly ran into some freight-accounting troubles and we worked with them on that to get an extension of time. It involved coming through Congress again.

I do not think that is necessary. I think that if the Administrator has the authority to make that extension himself, it gives him a certain amount of flexibility without interfering with the authority of Congress to review, to make the substantive review on the types of records that will be disposed of.

Mr. BURNSIDE. That would be done in about the same way as is done by the Bureau of Internal Revenue?

Dr. GROVER. I do not understand the question.

Mr. BURNSIDE. The Internal Revenue Bureau sometimes finds a case where the statute of limitation has run out.

Dr. GROVER. Oh, yes; it would be somewhat the same.

Mr. BURNSIDE. And they find something wrong with some accounts.

Dr. GROVER. It would be somewhat along the same principle. Section 506—

Mr. HOLIFIELD. Just a minute. On that point, you are not suggesting that that would necessarily change the statute of limitations?

Mr. BURNSIDE. No; it would not change that. Under the law, do you not have the right, if they bring up a question about a case, to hold up the statute from running? All they have to do is to take certain action to keep the statute from running. Is not that true?

Mr. HARVEY. A better way is to place an injunction against the assessment of taxes. That is the usual practice.

Mr. HOLIFIELD. Let us proceed, then.

Dr. GROVER. Section 506 (a) and (b) spell out again for the heads of agencies the content and mandatory nature of an efficient records management program in agencies, and imposes upon the heads of agencies the responsibility for establishing such a program.

It seems to me, Mr. Chairman, that that is absolutely essential. That is in conformance with the third recommendation of the Hoover Commission, namely, that adequate agency record management programs be established. There was a good deal of criticism of existing programs in the Hoover Commission report. I think that if the Administrator is given the responsibility for central-staff supervision and the responsibility to get something done in the field, the heads of agencies should also be given the responsibility for working with him in order to achieve the objectives of efficiency in records management.

Mr. HARVEY. Might I ask at this point what has been the experience of the agency to date with regard to cooperation from heads of agencies?

Dr. GROVER. It has been spotty, Mr. Congressman. Some agencies have very efficient programs right now. But as the Hoover Commission report stated, some agencies have merely given token compliance to an executive order that was published several years ago which required the establishment of such programs.

Mr. HARVEY. Would it be a fair assumption that the worst offenders have been the least compliant?

Dr. GROVER. Possibly. I have not drawn any rule.

Mr. HARVEY. That would be a normal assumption, would it not?

Dr. GROVER. I think it might. On the other hand, it may be that the worst offenders just do not understand how to go about it. I think there has been an absence of really vigorous staff leadership in this field, and that is one of the things that Public Law 152 is intended to correct.

Mr. HARVEY. Yes. While we have not had a long enough time as yet to really give a fair analysis to the committee, I have been wondering and have been anxious to know whether, in your opinion, you are getting cooperation especially from the worst offenders, the cooperation you reasonably could have expected.

Dr. GROVER. Well, Mr. Harvey, in the records field, of course, we have had only the 1 provision in 152. I should say that we have been getting on the whole, very good cooperation.

My conception of a central staff agency is that its authority basically must derive from its competence and not from law.

Mr. HARVEY. I approve of that, all right.

Dr. GROVER. But I think that the statutory authorization here and the statutory mandate is absolutely essential as an underlying basic foundation.

Mr. HARVEY. I am not underestimating, I hope, the task that you have in this field, but I would like to go back again to the statement by our chairman. I feel that here is one place where we have a great opportunity to save money, and I want to say for the record right here and now that I am wholeheartedly hoping that the Administrator and his staff can see that that does come about.

Dr. GROVER. Well, we obviously have not had time, under 152, either the time or the resources, to completely implement a records-management program. In fact, our program on any over-all basis could only begin in the fiscal year 1951.

Mr. HOLIFIELD. Will you proceed with the next section, Doctor?

Dr. GROVER. Section 506 (c) is the most controversial paragraph in this legislation.

I think that it should be pointed out that it gives the head of a Federal agency the authority to and requires him to transfer his records to a records center when he determines that economies or increased operating efficiencies can be effected thereby.

It also gives the Administrator the veto power or the power to determine, on the basis of a survey, whether or not the agency should transfer those records to a records center of its own or should utilize the records center system of GSA.

Mr. HARVEY. Whom do you mean on line 19 by reference to "he"?

Dr. GROVER. Beginning at line 17?

Mr. HARVEY. Yes. To whom does the "he" refer on line 19?

Dr. GROVER. That is the head of the agency.

Mr. ELLIOTT. I think that is a good point. It is intended to apply to the head of the agency, but the grammar is lacking because the antecedent is too far separated from the pronoun. Actually the nearest one is "Administrator."

Mr. HARVEY. Could not that better be reworded to say " \* \* \* operated by the head of the Federal agency"?

Mr. ELLIOTT. Yes, sir; that would be clearer. It is certainly not clear as it is now.

Mr. HOLIFIELD. That would give the Administrator the veto power over a nonexecutive agency?

Mr. ELLIOTT. It would, sir, to the extent of determining where the records should be stored, whether they would be stored in the records center of the agency or in a records center operated by the Administrator in the GSA system.



But, in the first instance, it must be the head of that agency himself who must determine whether or not there should be storage in a records center.

Mr. HARVEY. As I would interpret that, the head of an agency could come to the Administrator and say, "I have a lot of records here that I think could best be stored in your records center. The Administrator or one of his deputies could go and look the situation over, and conclude, at least for the present—we will say for the coming year—that you have better facilities to store these than we have. Possibly in 1952 or 1953 or 1954, we could store them."

Mr. BURNSIDE. Excuse me right there, but you might have dumped suddenly on the Administrator all of these records, and there could be just a conglomeration of them.

Mr. HARVEY. That is right. That is why I say that there ought to be some leeway left with the Administrator to make the determination so that he would not be forced to accept a lot of records that he might not even have the physical facilities to take care of and accommodate.

Mr. ELLIOTT. That is correct, sir.

To be fair, of course—to be honest—there is the other side of the picture. That is the case where the head of an agency comes to us and says: "I have determined that there are a lot of records here which should be stored in a records center. We want to establish a records center right down here at the corner of Broadway and Wall Street in New York City of our own."

Under those circumstances, I think we would be inclined to say: "Well, we don't agree with you. We think they ought to be stored in our records center in the Jersey meadows where the cost is about 80 cents a square foot rather than \$10 a square foot in the Wall Street area."

Mr. BOLLING. That is the point of controversy?

Mr. ELLIOTT. Yes, sir.

Mr. BOLLING. I would like the statute to remain as it is.

Mr. HOLIFIELD. I do not see how you can resolve it.

Now, as a matter of language, is the "or" necessary in line 17 after the word "Administrator"?

Dr. GROVER. Yes. It is the alternative, sir. They are either to be in a records center of our system or in a records center of the agency itself.

Mr. HOLIFIELD. Will you change the language in line 19 in accordance with Mr. Harvey's suggestion?

Mr. ELLIOTT. Yes, sir.

Mr. HOLIFIELD. Will you proceed to the next section?

Dr. GROVER. Section (d) continues existing language in the National Archives Act which we have found to be technically necessary.

Mr. HOLIFIELD. Paragraph (e).

Dr. GROVER. Paragraph (e) simply provides that the head of the agency shall establish safeguards against removal or loss of official records as he shall determine to be necessary and as may be required by regulations of the Administrator, and shall make them known.

The big thing there is this idea that he shall make such regulations known to all employees.

Mr. HOLIFIELD. That is based on the statutes quoted?

Dr. GROVER. Yes, sir.



Paragraph (f) is simply a procedure for putting into operation existing provisions in the Criminal Code with respect to the unlawful removal, defacing, alteration, or destruction of records in the custody of agencies.

Mr. HOLIFIELD. Has that language been changed as against the criminal statutes?

Dr. GROVER. Yes; that is the language.

Mr. HOLIFIELD. That is the language?

Mr. ELLIOTT. Yes.

Dr. GROVER. Paragraph (g) was requested by the Comptroller General, as I recall, simply to safeguard certain functions with respect to accounting systems, forms, and procedures, and the work of collecting and disbursing officers.

We have accepted that. I have no objection to it, although I don't think it is absolutely essential.

Mr. BURNSIDE. I wonder if you could check with the Department of Justice on the use of this word "photographic" and bring that back to us so we can see whether we are changing basic law in the United States in that respect.

Mr. ELLIOTT. Yes, sir; I will be glad to check that.

Mr. BURNSIDE. I am afraid we are.

Mr. HOLIFIELD. We will stop at this point, gentlemen, and convene again tomorrow morning at 10 o'clock.

Dr. GROVER. Mr. Chairman, may I introduce for the record the resolution of the National Historical Publications Commission in connection with the provisions of the act on that subject?

Mr. HOLIFIELD. Will you please pass that up here?

Mr. ELLIOTT. Yes, sir.

Mr. HOLIFIELD. Dr. Grover, we will take up all of these exhibits and decide in executive session just what shall go in the record.

Dr. GROVER. Yes, sir. Thank you.

(Whereupon, at 12 o'clock noon, the committee adjourned, to reconvene Thursday, June 29, 1950, at 10 a. m.)

# TO AMEND THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

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THURSDAY, JUNE 29, 1950

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE OF THE COMMITTEE ON  
EXPENDITURES IN THE EXECUTIVE DEPARTMENTS,  
*Washington, D. C.*

The subcommittee met at 10 a. m., Hon. Chet Holifield (chairman) presiding.

Mr. HOLIFIELD. The committee will come to order, please.

Mr. Elliott, will you please take your accustomed place?

## FURTHER STATEMENTS OF MAXWELL H. ELLIOTT, GENERAL COUNSEL, AND DR. WAYNE C. GROVER, ARCHIVIST, GENERAL SERVICES ADMINISTRATION

Mr. HOLIFIELD. We will begin at the top of page 24, "Archival Administration," section 507.

Dr. GROVER. Mr. Chairman, section 507 (a) (1) is a continuation of existing authority.

507 (a) (2), however, is a new provision which would enable the Administrator to loan records to educational institutions or associations under appropriate safeguards. It might also permit the indefinite transfer of certain types of records that are not considered of sufficient value to be incorporated with the National Archives of the United States permanently but that may have some local research interest.

The provision does require the consent of the originating agency and, of course, the only kind of records that would be transferred or loaned under this provision would be records which are not restricted in any way and are not classified.

Mr. HOLIFIELD. Would that be in line with the policy of restoring to State institutions documents of particular interest to the specific States?

Dr. GROVER. The word "restoring" would bother me a little, Mr. Chairman, since I do not think we have any State records. We have restored to the States, as far as I know, only some captured Confederate records of the Civil War. If we had any such records, it would be possible.

507 (3) is simply a procedural authority for the Administrator actually to physically transfer records or papers to the National Archives when action is taken under the provisions of subsection (e) of this section.

Section 507 (b) continues the existing legislative authority that is already in the National Archives Act, with one new proviso, and that is the proviso beginning in line 23 on page 25 which reads.

*Provided, however,* That statutory authority and other restrictions referred to in the provisos of this subsection shall not remain in force or effect after the records have been in existence for 50 years unless the Administrator by order shall determine with respect to specific bodies of records that such restrictions shall remain in force and effect for a longer period.

There are occasional bodies of records which are accumulated under a statutory restriction of one kind or another as to their use for research purposes, and we feel that some terminal date should be put on such restrictions without having to go to the Congress in each case and get them to enact a new statute or a repealer.

We settled on 50 years somewhat arbitrarily, but that seems like a reasonable time.

Mr. BOLLING. Could you give me an example of a record in such a situation—not necessarily actual but theoretical?

Dr. GROVER. I can give you a specific example. The population-census schedules are restricted by statute indefinitely.

Mr. HOLIFIELD. You would not want to destroy any records of the census, even if they were over 50 years old, would you?

Dr. GROVER. No. This is not to destroy records but to make them available for research by scholars.

Mr. BOLLING. The reason for that limitation on those records is the question of individual security?

Dr. GROVER. That is right. They contain personal information about individuals. Now, if there are good and sufficient reasons why those records should continue to be restricted after an average period of time over and above 50 years, the Administrator may order that they be so restricted, but a showing must be made at the end of 50 years. That is what it amounts to.

I would not argue too much if the period were 75 years, since it is somewhat arbitrary, but I think 50 years is a reasonable period, and some terminal date should be enacted in statutory form.

Mr. HOLIFIELD. As to the rest of that "and provided further," there is nothing new in that?

Dr. GROVER. That is in existing law. That just repeats existing law.

Mr. BOLLING. Now, what does that do? It says "shall continue in force and effect regardless of the expiration of the tenure of office of the official who imposed them." That is down in line 8, page 26. What does that mean?

Dr. GROVER. Originally the National Archives Act read that restrictions on the use of records placed by the head of an agency would remain in force and effect only during his tenure in office, while, as a practical matter, those restrictions had to be renewed when a new man came into office. So the National Archives Act was amended several years ago providing that those restrictions would continue in force and effect regardless of the expiration of the tenure of office of the official who imposed them, and this is really a technical provision to continue that authority.

Section 507 (c) continues the existing authority in the National Archives Act with the exception of the provision of new language beginning at line 22 "and, when approved by the National Historical Publications Commission, he may also publish such historical works

and collections of sources as seem appropriate for printing or otherwise recording at the public expense." That ties back to the authority of the National Historical Publications Commission which is now in existence and which has been in existence for 15 years. The Administrator, of course, would have to get appropriations for any such project. The only one that is in operation right now is the one I mentioned yesterday—the publication of the Territorial papers of the United States. Specific authorizing legislation in each case would not be necessary.

Mr. BOLLING. Who are on the National Historical Publications Commission at the present time?

Dr. GROVER. Representatives of the Army and Navy, the State Department, the Library of Congress, myself, and two members appointed by the American Historical Association.

Mr. LOVRE. By whom are they appointed?

Dr. GROVER. Under existing legislation?

Mr. LOVRE. Yes.

Dr. GROVER. It is specified in the act who shall be represented. It is by organizational title, as a matter of fact—the chief historian of the State Department, the Chief of the Historical Section of the War Department General Staff, etc. I forget the exact language.

Mr. HOLIFIELD. I will give that to you. It is contained in title 44 of the United States Code:

There is created a National Historical Publications Commission which shall make plans, estimates, and recommendations for such historical works and collections of sources as seem appropriate for publication and/or otherwise recording at the public expense, said Commission to consist of the Archivist of the United States, who shall be its chairman; the historical adviser of the Department of State; the Chief of the Historical Section of the War Department, General Staff; the superintendent of naval records in the Navy Department; the Chief of the Division of Manuscripts in the Library of Congress; and two members of the American Historical Association appointed by the president thereof from among those persons who are or have been members of the executive council of the said association.

Now proceed to paragraph (d).

Dr. GROVER. Paragraph (d) simply continues the existing authority in the National Archives Act to make records available for use that are not exempt from examination by statutory provisions or other restrictions.

Mr. HOLIFIELD. There is nothing new in that section over existing law?

Dr. GROVER. There is nothing new in that.

Mr. HOLIFIELD. That goes down how far?

Dr. GROVER. Just (d).

Paragraph (e) is a new section. With respect to that section, Mr. Chairman, as I am sure all of you know, the papers—in fact, all of the papers—accumulated in the White House by our Presidents from George Washington to President Herbert Hoover have been removed as personal papers. Many of them have been dispersed, lost, or destroyed by fire.

The Government has attempted to buy back as many of those papers as it could. For example, about 100 years ago, the State Department purchased most of the papers of George Washington for \$45,000, which was a rather large sum at that time.



This new provision would enable the Administrator to accept the personal papers and other personal historical documentary materials, which means sound recordings, motion pictures, and still pictures and things like that, for deposit in the National Archives and thus to keep them in continuous official custody at all times. It would enable the donor, the President, to place restrictions on the use of those papers for a period not to exceed 25 years.

Mr. BOLLING. Or during his life?

Dr. GROVER. Or during his life, whichever is the longer.

Mr. BOLLING. What is the significance of the phrase "offered for deposit"? Would that mean it would be in the discretion of the President as to which of the papers accumulated would be deposited?

Dr. GROVER. It would be at the discretion of the President whether or not he deposited the papers in the National Archives at all. He could still remove his personal papers from the White House. I am sure, if we can obtain this legislative authority to accept such papers, the present President of the United States and, I think his successors will deposit their personal papers in the National Archives and will at that time make a distinction between their personal papers and the official records accumulated in office. Official records are governed by other restrictions which can be removed by a successor in office.

Mr. LOVRE. Is legislation necessary for that purpose? If the President wants to turn his personal papers over to Archives, is legislation necessary for Archives to accept them?

Dr. GROVER. Yes, sir. We have no authority to accept personal papers of any kind at the present time. The only authority we have to accept private materials is in connection with motion pictures and sound recordings. There is specific authority in the present National Archives Act to accept motion pictures which are privately produced, illustrative of the historical development of the United States. I think the phrase is, but we have no authority to accept personal papers. We are restricted to official papers only.

Mr. HOLFIELD. I would like to enter at this time something that is pertinent to that question—a letter from the Society of American Archivists, signed by Phillip C. Brooks, president. Later on, this letter will be introduced in its entirety at the proper place in the record, but the part of it that is pertinent is as follows:

As archivists we are much concerned in the selection and preservation of valuable records and the means of making their contents known for the guidance of the Government and the people of our democracy. Therefore, I am pleased to see a provision in the bill for the deposit of the personal papers and other personal historical documentary materials of the Presidents. As is well known, many papers of past Presidents have been lost in various ways and this definite plan for their orderly preservation is highly significant.

Mr. BOLLING. Am I correct also in believing this section is either at the suggestion of the President or has the full concurrence and consent of the President?

Dr. GROVER. This section has been read by the President and has his full concurrence.

Mr. LOVRE. Then do I understand at the present time the National Archives have no personal papers of any President for safekeeping?

Dr. GROVER. Yes, sir; with the exception of President Franklin D. Roosevelt. His papers are at Hyde Park. The Franklin D. Roose-

velt Library is administered by the General Services Administration. President Roosevelt's papers remained in official custody.

Mr. HOLIFIELD. That was a special act which set up that particular library?

Dr. GROVER. That is right; that was a special joint resolution of Congress passed in 1939.

Mr. HOLIFIELD. And, incidentally, that is administered under a special commission other than Archives; is it not?

Dr. GROVER. There is a board of trustees for the library; yes, sir. The papers of some of our Presidents have been deliberately destroyed by their heirs; some have been destroyed in fires accidentally; some have been lost; some individual manuscripts have gotten into commercial hands and are sold around the country to archivists, collectors, and what not. I personally think this is a very important provision in this bill.

Mr. BOLLING. One of the important aspects of it is that it prevents exploitation by the heirs of documents that are of historical value to our whole country—of commercial exploitation, I should say.

Dr. GROVER. That is right.

Mr. LOVRE. That, again, is dependent on the wishes of the President, if he wants to turn them over.

Mr. BOLLING. I think it is highly unlikely that a President would want the commercial exploitation of his personal documents. I do not know of one who has ever done that. There may be examples of heirs doing it or something else of that kind.

Dr. GROVER. Subparagraph (2) continues our authority to receive from private sources motion-picture films, still pictures, and sound recordings. In this instance our authority is narrowed somewhat from that which exists in the present act, because films and pictures which we may receive are limited to those that are appropriate for preservation by the Government as evidence of its organization, functions, policies, decisions, procedures, and transactions. The existing language authorizes the Archivist to receive from private sources any motion-picture film which he believes to be illustrative of American history.

Now, there was some overlap there with the functions of the Library of Congress which, under the Copyright Act, receives or is entitled to receive commercial film. The Librarian and I got together some time ago and agreed that National Archives would restrict its accessions in this field to official film or to film which deals with governmental activities, and the Librarian of Congress would accession such film as was needed to be preserved by the Government under the Copyright Act.

I think this narrow authority should be retained; however, I think we should still be authorized to receive from private sources.

Mr. HOLIFIELD. How much does this involve in the way of space and custodial expense?

Dr. GROVER. This provision involves very little space for our actual needs. The majority of our film that we accession is Government-owned film, Government-made film—official film.

Mr. HOLIFIELD. Army and Navy film?

Dr. GROVER. Army and Navy film, principally combat film of World Wars I and II.

Mr. HOLIFIELD. I understand you have a tremendous amount of that.

Dr. GROVER. We have about 70,000 reels of such film.

Mr. BOLLING. This accession is just from private sources?

Dr. GROVER. But those are considered official records of the Government. Of course, we do not preserve all of them. We evaluate them, and try to discard what we do not think needs to be kept for record purposes. Now, we do have a peculiar problem there in connection with that film, because it is usually on a nitrate base which deteriorates rather rapidly and is highly explosive under certain conditions. We hope either to get some better constructed vaults for that film than we now have or else to transfer the film to an acetate base, which is a very expensive process—even more expensive, I think, than the film vaults.

If film is kept under proper conditions of temperature and humidity, the nitrate-base film will last, but if the humidity goes up and the temperature goes up, as it did last summer, the nitrate film will tend to deteriorate and begin to bubble and becomes very, very dangerous.

The next provision (f) has one new aspect. The majority of that language in paragraph (f) is lifted out of the existing appropriation language, but the authority of the Administrator to make a motion-picture film or still pictures or sound recordings and preserve them in the National Archives is new. I think it is important that the Administrator be authorized to make sound recording of an important speech for preservation in the Archives, when he cannot obtain that speech from any other source as a private gift.

Mr. BOLLING. How would that work in practice? Would it not lead to considerable duplication potentially? Let us say there was an important speech that would be made 2 weeks from now. Under this provision, would not the tendency of the Administrator be to be very sure he would have a recording and go ahead and do it, when probably a number of other private agencies were doing it, too?

Dr. GROVER. I do not think, Mr. Bolling, that this will lead to a duplication. Whenever we can assure ourselves of the gift of a sound recording from a private agency, we will not record it, obviously. But it seems to me the Administrator should have this authority. It would be impossible for him to go very far on it, because it would cost money, and he would have to go to the Appropriations Committee, and I am sure he could not get out of bounds in the way which Mr. Bolling was suggesting.

Mr. BOLLING. I was thinking only that it might happen fortuitously, not intentionally.

Mr. HOLIFIELD. The only new part of this, then, is to make sound recordings?

Dr. GROVER. "To make"; yes.

Mr. HOLIFIELD. This "to make" applies also to motion-picture film?

Dr. GROVER. Motion-picture film or still pictures and sound recordings.

Mr. HOLIFIELD. Heretofore you have only had the right to preserve?

Dr. GROVER. That is right.

Mr. HOLIFIELD. This gives you the right to make them?

Dr. GROVER. To make them on those occasions where we cannot assure ourselves of a gift copy from a private source. We are not going into the motion-picture business. When there is an important cere-



mony in Washington, it is a very simple matter to take a picture of it, and it is not expensive. We have the equipment, and I think we should have the authority to do so—not only to make it but to deposit it ourselves with the National Archives.

Mr. HOLIFIELD. Are there any questions?

Mr. LOVRE. I notice it goes on to say “and to make provisions for preparing, editing, titling, scoring, processing,” and so forth, and “exhibiting.”

Dr. GROVER. That language has been carried in our appropriation acts. That is the necessary series of steps that must be taken in connection with reproduction and preservation of some film, particularly this film on a nitrate base when it is converted to an acetate base.

Mr. LOVRE. Then, if the Administrator thinks it is of enough importance, he could send that film all over the country for exhibiting?

Dr. GROVER. We have authority to exhibit film in the National Archives auditorium for research purposes at the present time, and that is why we keep film—in order to make it available for use.

This would not, in my opinion, authorize the Administrator to go into the motion picture business.

Mr. LOVRE. But it says here “to exhibit,” and I was just wondering, if you wanted national coverage and the Administrator thought it of enough importance, he could exhibit it all over the country without any strings attached.

Dr. GROVER. Well, if that word is bothersome, I think it can be taken out, because the Administrator’s authority to make this material available for use is in a previous section, also.

Mr. LOVRE. I am just speculating. I was just thinking out loud as to how far the Administrator can go.

Mr. BOLLING. You say this has been carried in appropriations bills?

Dr. GROVER. Yes; in the appropriation language.

Mr. BOLLING. And, of course, the appropriation does limit the extent of the activity in this field?

Dr. GROVER. Yes. Mr. Bolling, I do not think there is much danger of the Administrator going into large-scale activities in this field. We have enough difficulty getting money simply to preserve film we have on hand now.

Mr. HOLIFIELD. It has just been pointed out to me that your basic act provides that you shall maintain a projection room for showing such films and reproducing such sound recordings for historical purposes and studies.

Dr. GROVER. That is right.

Mr. HOLIFIELD. So the only new part about this, as I see it, is that you are authorized to make these pictures rather than to accept them from someone else who has made them.

Dr. GROVER. Yes, sir; that is the only new provision.

Mr. HOLIFIELD. The expense of making them would necessarily be carried in your budget?

Dr. GROVER. Yes, sir.

Mr. HOLIFIELD. And you would have to receive approval of the Bureau of the Budget and the Appropriations Committee?

Dr. GROVER. Yes, sir.

Mr. HOLIFIELD. So, if there was any enlargement upon that function to any great extent or if there was any abuse of it, it would certainly be subject to check by Congress?



Dr. GROVER. I am certain it would, Mr. Chairman.

Mr. LOVRE. While they are before appropriations?

Mr. HOLIFIELD. That is right.

Mr. LOVRE. But this language here in this bill is much broader than what you have there; is it not?

Mr. HOLIFIELD. Yes. The part I pointed out is that they are allowed to make these still pictures and motion-picture films and sound recordings, whereas heretofore they have only been allowed to accept them from someone else who has made them. That is the enlargement of it, as I see it.

Mr. BOLLING. This language has been carried in the appropriation bills, not in the basic statute?

Mr. HOLIFIELD. Yes. I am speaking of this bill in regard to the basic statute, not in relation to some language which has been carried in appropriation bills, but which has had the effect of law, of course.

Mr. LOVRE. My only reason for asking that question goes back to the question I asked yesterday that—which I do not think will happen—it could be used as a pretty effective vehicle for spreading any kind of propaganda if the Administrator so desired. I do not say he will; nevertheless, it provides the basis for spreading propaganda if he so desires, because there are no checks in this particular provision at all.

Dr. GROVER. The intent of the provision seems to me quite clear—to make and preserve. Of course, he can make these materials available for use, but the possibility of making propaganda material out of this provision, to me, is inconceivable.

Mr. LOVRE. But just reading the language, it says “and to make provisions for preparing, editing, titling, scoring, processing, duplicating, reproducing, exhibiting, and releasing motion-picture films, still pictures, and sound recordings in his custody,” without any strings attached whatsoever.

Mr. BOLLING. Of course, the problem there is that to do a legitimate job he needs some authority that, if he was so disposed, could be used in the fashion you indicate, but he has to have that authority to do the legitimate job.

Dr. GROVER. What is happening here is that in the field of Archives administration you are getting new tools new techniques, and new devices with which records are made, and it seems to me the Archivist should be trusted to try to make and preserve pictures of important historical events if he cannot get them elsewhere. I am thinking of it only in terms of posterity.

Mr. LOVRE. Do not misunderstand me. I am not impugning the motives of anyone now or in the future. All I am endeavoring to do is to point out that there is the danger that it could be misused.

Dr. GROVER. It may be that some language could be added—

Mr. HOLIFIELD. I think we can go into that point in executive session, and I believe it can be worked out all right.

(After discussion off the record.)

Mr. HARVEY. I was down there the other day visiting the Archives, and they were running a film at that time in the little theater they have there for visiting groups. While I was hurried and only was able to see snatches of it, I think if it is the Archivist's theory and intention to exhibit that type of films in this theater, I could see no objection to it.

Dr. GROVER. That is our sole purpose.

Mr. HOLIFIELD. In other words, you have no intention of sending teams out through the country with projection equipment making tours or anything like that?

Dr. GROVER. Heavens, no.

Mr. HOLIFIELD. I know you never have done it, and I am sure you do not intend to do it and, as I say, you are curtailed by your appropriations, anyway, from doing such a thing.

Dr. GROVER. Would it improve the language if at the end were added "releasing motion-picture films, still pictures, and sound recording in his custody for historical research," or words of that nature?

Mr. HOLIFIELD. I think the language here in your basic act says to maintain a projection room for showing such films, reproducing such sound recordings, for historical purposes and study. If it is thought desirable, in executive session we could add that to it, but personally I do not think it is necessary.

Mr. HARVEY. I am not very well versed there. What does "release" mean following the word "exhibiting?" It says "exhibiting, and releasing." What does that mean, Dr. Grover?

Dr. GROVER. Well, that would mean the loaning of a motion-picture film, perhaps, for showing in the Senate or the House, for example.

Mr. HARVEY. Would this be covered by other substantive legislation? I am thinking now we are trying to draft a policy that will guide us in the future and not in the immediate year following, and I am wondering if that releasing provision ought to be circumscribed to any extent. Possibly it could not be done, anyway, but could there be a releasing for a showing for the purpose of making a profit?

Mr. HOLIFIELD. Limit it to nonprofit purposes.

Dr. GROVER. That would be perfectly acceptable—to say "for nonprofit."

Mr. HARVEY. For nonprofit educational purposes.

Dr. GROVER. Yes.

Mr. HARVEY. While I have no doubt all of us, as I said in those other things, thoroughly understand it, his successors possibly in the years to come might put a different interpretation on that entirely, and nobody would ever recall just what was meant by "releasing."

Dr. GROVER. I think it might be wise to add that language.

Mr. HOLIFIELD. Let us take that language, and in executive session we can check it for adequacy—"for nonprofit educational purposes."

Mr. HARVEY. Yes. I think that would spell it out a little.

Mr. BOLLING. Would that language be adequate to enable you to recover the cost of shipping, and so forth? I presume if you would have to ship it out to an educational institution, you should have the right to recover the cost of shipping.

Mr. ELLIOTT. This would be a limitation on the use for which it was released. It would not prevent us from recovering the cost from anyone.

Mr. HOLIFIELD. Let us say you have a film of a war incident or section of the war. Do you at the present time loan such film, say, to the American Legion of Terre Haute, Ind.?

Dr. GROVER. The only thing we can do at the present time is to make a copy of the film and sell the copy at cost.

Mr. HOLIFIELD. Oh! You sell it?

Dr. GROVER. Yes.

Mr. HOLIFIELD. But you would not loan the film to any kind of organization and then let them put it on on a ticket-sale basis?

Dr. GROVER. Not to any private organization. We loan only to official Government organizations.

Mr. HOLIFIELD. Including State governments?

Dr. GROVER. Of the Federal Government.

Mr. HOLIFIELD. The Federal Government only?

Dr. GROVER. That is right.

Mr. HOLIFIELD. I think that is adequately taken care of, then. There is a provision of existing law that if an organization wants to make a copy and pay you for it, you can do that?

Dr. GROVER. Yes; that is in existing law and is continued in a later section of this bill. We can make copies of papers, records, motion pictures, and still pictures and sell at cost to private researchers or private organizations.

Mr. HOLIFIELD. Do you exhibit any films that are restricted from public use by the makers?

Dr. GROVER. As to any films having copyright restrictions, for example, we have to observe that copyright, obviously. There are some films, just like paper records, that are restricted for security purposes, and those, of course, are not made available.

Mr. HOLIFIELD. I think we can proceed, then, with section 508.

Dr. GROVER. Section 508 (a) gives the Administrator authority to require reports both under this title and under the disposal act which is incorporated here by reference and to issue regulations carrying out the provisions of this title. I think that is essential authority the Administrator must have to carry on an effective program.

Mr. HOLIFIELD. Yes; that is an important part of the enforcement of his purposes.

I notice in section (d) you provide he shall—

inform in writing the head of the agency concerned of such violations and make recommendations regarding the means of correcting any faulty procedures, and then shall submit a written report thereon to the President and the Congress in case of failure to abide by it.

Dr. GROVER. Yes, sir. Public Law 152, of course, carries a provision that the Administrator may require reports and will submit recommendations to the Budget Bureau and the Congress along the lines proposed in this section. This language is a little more specific; that is all.

Mr. HOLIFIELD. The committee's legal counsel has suggested that the authority to require Federal agencies to report might well be spelled out a little more specifically. I do not know whether that is necessary or not. For instance, to report at his direction on their activities. Do you think, from a legal standpoint, that would make that clearer?

Mr. KENNEDY. I was just talking to Mr. Holifield, in regard to the Administrator being hereby authorized to require Federal agencies to report, that there really is no tooth in it as to exactly when during the year it would be necessary for him to hit the dead line.

Mr. BOLLING. It says "whenever he deems it necessary, to issue regulations to carry out the provisions thereof." So does not that follow?

Mr. KENNEDY. No; I do not think so. "Whenever necessary" would pertain to the rest. So, where he is authorized to require Federal



agencies to report when so directed by the Administrator on their activities, it would seem to put a tooth in it which would aid the Administrator in carrying out his function.

Mr. ELLIOTT. I think Mr. Kennedy has a good point. Perhaps it would be better to say the Administrator is hereby authorized "when-ever he deems it necessary," and then break that down into a little "i" and two little "i's."

Mr. HOLIFIELD. To put the same phrase below the right to issue regulations?

Mr. ELLIOTT. Yes, sir. Then, perhaps, to carry Mr. Kennedy's thought further, instead of requiring the Federal agencies to report, we could say "to obtain reports from Federal agencies on their activities," which is the language of the existing statute.

Mr. BOLLING. What about requiring Federal agencies to report at times designated by him?

Dr. GROVER. Or simply to report periodically?

Mr. BOLLING. That may carry it too far at this point.

Mr. KENNEDY. I think Mr. Elliott's suggestion is better.

Mr. HOLIFIELD. "Whenever he deems it necessary."

Mr. MERRY. In the last line, should not you modify the word "agencies" by "such," making it read "by such agencies"?

Mr. KENNEDY. Yes. The word "agencies" there in line 21 having no modifying "Federal" or "executive," when you define that with a limited definition, why, you seem to leave out any doubt as to what the force of that word would be.

Mr. MERRY. You would cure that by putting the word "such" before "agencies," I believe.

Mr. HOLIFIELD. Strike out "all" and put in "such."

Mr. BOLLING. In the way we have it drafted, it might be we would get too many reports.

Mr. ELLIOTT. Not necessarily. It is awfully hard to peg a time in a series of reports, because you may want to have reports now for a special purpose on a particular phase of a program.

Mr. BOLLING. Would you have an idea of how often regular reports probably would be required? I do not mean special reports; I mean regular reports.

Mr. ELLIOTT. I am just guessing, subject to Dr. Grover's correcting me, but I think we would probably be several years away from having a regular reporting system, because what we would be doing for the next couple of years would be to institute a new program, and in order to do that we have to get information, and it is awfully hard to predict the regularity of getting information. Several years from now, when we have the records program and the organizational program in full swing, then perhaps we could predict a specific period.

Mr. BOLLING. Having had a little Army experience, the thing I am concerned about is that there would not be monthly reports and quarterly reports? In other words, too many reports.

Dr. GROVER. I should think any over-all report would be not oftener than on a semiannual basis or possibly a quarterly basis.

I am a little more optimistic than Mr. Elliott as to when we will get started.

Mr. ELLIOTT. I did not say we would not get started that way but before we get it in full swing. The present law, section 104 (c), says the Administrator is authorized to make surveys of Government rec-



ords and records of management and disposal practices and obtain reports thereon from Federal agencies.

Mr. HOLIFIELD. There is a project at this time in your Department and in the Budget Bureau to eliminate unnecessary reports; is there not?

Dr. GROVER. Yes, sir.

Mr. HOLIFIELD. Let us proceed now to section 509.

Dr. GROVER. Section 509 (a) accomplishes two purposes. The first purpose is new, and that is to give us authority when we microfilm paper records that are required to be retained under some statute, which is frequently the case—say in the case of Interstate Commerce Commission records—that we could microfilm those records and dispose of the paper records without violating the statute. In other words, the paper records would be preserved in microfilm form.

Mr. HARVEY. Would they have all of the legal status of the originals?

Dr. GROVER. They would have the legal status of the originals. The second sentence reads “Such reproductions, as well as reproductions made in compliance with regulations promulgated to carry out this title, shall have the same legal status as the originals thereof.”

We have had that same kind of authority or language in the National Archives Act for many years, to make authenticated reproductions either on microfilm or photostatic or photographic reproductions.

Mr. HARVEY. While you are on that point, did you get that straightened out yesterday? Somebody yesterday raised that question.

Mr. HOLIFIELD. Mr. Burnside.

Mr. BOLLING. That was on that language “photographic” and so forth.

Mr. ELLIOTT. We have not. We tried to check a little with the Department of Justice yesterday afternoon but have not had a call back from them.

Mr. HOLIFIELD. We will have a report on that later, then?

Mr. ELLIOTT. Yes, sir.

Mr. HOLIFIELD. Mr. Burnside brought up the question of the legality and whether that should be “photographic” or “photostatic.”

Mr. BOLLING. Was not Mr. Burnside also concerned as to whether or not this was a basic change in the law? I think actually he was concerned about the intrinsic value of the originals.

Mr. ELLIOTT. This is not a basic change in law.

Dr. GROVER. This same language has been in the National Archives Act for years.

Section 509 (b) simply authorizes an official seal for the National Archives of the United States for authentication purposes. That is in existing law, also.

Section 509 (c) is in existing law up to the proviso on page 30, line 8, “Provided, that reimbursement may be accepted to cover the cost of furnishing such copies or reproductions that could not otherwise be furnished.” That has reference to making or authenticating copies or reproductions of such materials for official use by the United States Government.

Now, we have, of course, a limited fund for this activity, and occasionally a Federal agency, such as the Department of Justice, when it has a large court case, will come to us for reproductions on a scale that is too large for us to handle. The Department is per-

fectly willing to reimburse us, but we have no authority at the present time to accept reimbursement, because we are required by law to make reproductions for official purposes free of charge.

Mr. HARVEY. I think that is all right. I do not see any objection to that.

Mr. HOLIFIELD. What about section 510?

Dr. GROVER. Section 510 is introduced in the bill at the suggestion of the Justice Department made originally several months ago. As I mentioned the other day in our informal session, the whole question of the literary property right in personal records, personal correspondence, is not too clear; the law is not too clear. In any case, this section would prevent the Administrator or his agents from being sued officially under the Federal Tort Claims Act. The Federal Tort Claims Act, as you know, allows some suits against the Government, with certain specified exceptions. In effect, this section 510 is another exception to the Federal Tort Claims Act.

Mr. HOLIFIELD. Would it be necessary to say in this section something in regard to copyrighted material, showing this does not pertain to copyrighted material? Could we say something like this "with respect to letters and all intellectual products which are not protected under copyright laws"?

Dr. GROVER. That might be a wise provision.

Mr. ELLIOTT. I think that is all right.

Mr. HOLIFIELD. I am not suggesting that exact language. It seems to me this section, as written, would relieve you of the present restriction of copyright material.

Dr. GROVER. It is not intended to do so.

Mr. HOLIFIELD. We will have the legal counsel study that problem and report to us on that.

Dr. GROVER. It came up in connection with the opening of the papers in the Roosevelt Library.

Mr. HOLIFIELD. I think that you should have that protection with the exception of equities which are involved in copyright material which has been submitted to you, and I do not believe that you should be relieved of that.

Dr. GROVER. That is right.

Mr. HOLIFIELD. Let us get on to our definitions now.

Dr. GROVER. Section 511 (a) simply continues the definition of "records," which is contained in the Disposal Act of 1943 and has been in effect for several years and is quite satisfactory.

Mr. HOLIFIELD. In the consideration of these definitions, are they all, with the exception of (b) in existing law? Do they conform with existing law?

Dr. GROVER. These definitions are not in existing law but conform with existing law; yes.

Mr. HOLIFIELD. Let us consider them one at a time starting with (b).

Mr. HARVEY. May I offer a suggestion here? On line 2, page 31, just preceding the word "agency", insert the word "Federal."

Mr. ELLIOTT. It should be there, very definitely.

Dr. GROVER. That definition of a records center is taken almost verbatim from a definition given in the Hoover Commission task force report, and I think it is the most satisfactory definition that we can work out at this time.

Mr. HOLIFIELD. On line 11 you should put "Federal agencies" in there?

Mr. ELLIOTT. Yes.

Mr. PAGE. That is wrong, if I may say so. This is a provision authorizing the Administrator to make material and records, or the records themselves, available not only to the Federal agencies but to the general public, and you should not restrict it to Federal agencies.

Dr. GROVER. And to the Congress itself.

Mr. BOLLING. Do I understand that to mean it applies to agencies of the Federal Government? Does it exclude by implication the agencies of the State governments?

Mr. HOLIFIELD. No.

Mr. HARVEY. Could you not probably supplement that, then, and say, "to agencies or subdivisions"?

Mr. ELLIOTT. I think that State governments would be included in the term "public," but I think the term "agencies of the Government" needs to be sharpened up a bit to conform with the language of the rest of the act.

Mr. HOLIFIELD. The architect has been so careful to get himself excluded from this act, and now might be the time to exclude him from some of the benefits.

Dr. GROVER. It might exclude the House and the Senate.

Mr. HOLIFIELD. We had better leave the word "agency" just as it is, then. I think probably Mr. Page's suggestion is worthy of consideration.

In this particular instance I think it is a matter of furnishing to the agencies of Government, and therefore we want all the agencies of the Government to share in the benefits, whether they share in the responsibilities of making the act a success or not.

Let us take (c).

Dr. GROVER. We have had authority to make records available for use since the Archives Act was passed in 1934, and this is simply an attempt to define "use" or "servicing." It was suggested that we put this definition in the act by the staff of this committee, simply clarifying the word "servicing."

Mr. HOLIFIELD. All right. Let us take (d).

Dr. GROVER. The term "National Archives of the United States" does not refer to an organizational unit, or even necessarily to a building. It refers to an official body of records having permanent value or continuing value, and I think it is a definition that badly needs to be spelled out in law.

The term "unauthenticated copies" was suggested for inclusion by the staff of the committee, simply to show precisely what the term means. We have used it for many years without definition.

The term "Archivist," I take it, is obvious.

Mr. HOLIFIELD. We will now take up section 7.

Mr. ELLIOTT. Most of section 7, if not all, are mechanical changes necessary to conform to what would be the new structure of the act if this bill becomes law.

(a) extends to the definition of "property" the records of the Federal Government. At present section 3 (d) of the act defines property as "any interest in property of any kind except (1) the public domain and lands reserved and (2) naval vessels of the following categories: \* \* \*"



I have made an error. What it does is to make a third exception of the term "property." In other words, records would then be exempt from the term "property."

The reason is, sir, that we have used the term "property" a great many times throughout title II in connection with property management, and now this would add a new title for records management and the property management title would not fit the records-management activities.

(b) and (c), are, I think, quite obviously purely numerical changes to conform to the new numbering.

(d) provides for certain additional repealers to those presently repealed under what is now section 502 (a) of the act, but which will become section 602 (a) in the event of the enactment of this bill.

The additional repealers would be the act to establish the National Archives of June 1934, and section 4 of the act of February 3, 1905.

Mr. MERRY. That is the automobile identification act?

Mr. ELLIOTT. Yes.

Mr. BOLLING. The act of February 3, 1905?

Mr. ELLIOTT. Yes.

Mr. HARVEY. What page is that on in Public Law 152?

Mr. ELLIOTT. I have it right here, sir. You are just adding two new paragraphs there, 32 and 33.

Mr. HOLIFIELD. Proceed.

Mr. ELLIOTT. The next amendment, which is subsection (e) commencing on line 5 of page 33 amends present sections 502 (b) and (c), which would become 602 (b) and (c). (b) At the present time provides that the provision of the first, third, and fifth paragraphs of section 1 of Executive Order 6166 shall be superseded. This would amend that so as to enlarge the superseding by another section which would have this act then supersede sections 2 and 4 of the Disposal Act of 1943 to the extent that the provisions of such Disposal Act are inconsistent with this act. In other words, under title V, as you will recall, we have rewritten certain provisions relating to disposal, and there is one further factor, and that is, under the existing Disposal Act, by section 2, there is now in existence the statutory National Archives Council which has power to promulgate regulations.

The effect of this amendment, therefore, would be to supersede that section 2, and if you will recall, there is set up under earlier provisions of this bill an Advisory Records Council, which will take the place of the National Archives Council.

Mr. HOLIFIELD. Specifically, just what does this paragraph (1) do?

Mr. ELLIOTT. (1) Terminates the existence of the National Archives Council—not paragraph (1) but paragraph (2).

Paragraph (1), on lines 8 to 13, inclusive, is an exact statement of the existing law.

The new material is in subparagraph (2) appearing on lines 14 through 19, inclusive. That new material would do two things: First, it would terminate the existence of the National Archives Council; two, it supersedes the power of the present Council and the Archivist to promulgate schedules of records to the Congress. The reason is that under earlier provisions of this bill the Administrator is given that power.

Dr. GROVER. Subparagraph (2) simply conforms the Disposal Act to the provisions of title V.



Mr. HOLIFIELD. It supersedes the authority of the Archivist and the Council and gives their authority to the Administrator; is that right?

Dr. GROVER. That is right, sir.

Mr. HOLIFIELD. All right. We will take up paragraph (c).

Mr. ELLIOTT. In paragraph (c) there is what I think is a substantial change. The change is this: The present act says: "The authority conferred by this Act is in addition to any other authority conferred by any other law." Then it continues on in the same language. This would add, after "in addition", "and paramount to", so it would read "The authority conferred by this Act shall be in addition and paramount to any authority \* \* \*".

The reason for it is that various of my colleagues in the executive branch who represent the other executive agencies have on occasion taken the view that they can or cannot adhere to Public Law 152 as they see fit.

Mr. HOLIFIELD. You feel it is necessary that you should have these words added in order that it may firm up the authority of the General Services Administration to accomplish the purposes of Public Law 152?

Mr. ELLIOTT. I do; very definitely, sir. If you will remember, your committee spent several months last year considering the needs of various executive agencies for exemption from the act, and accepted a number and rejected a number; and paragraph 502 (d) of the present law lists some 17 different types of exemptions.

In addition, the committee said in its report of last year, and this is as to special exemptions—

It is not intended by these exemptions that those administering the agencies or programs listed shall be free from all obligations to comply with the provisions of the act, or all jurisdiction of the Administrator. On the contrary, it is expected that they will, as far as practicable, procure, utilize, and dispose of property in accordance with the provisions of the act and the regulations issued thereunder.

Mr. HOLIFIELD. You have had this language accepted by the Budget Bureau and the General Accounting Office?

Mr. ELLIOTT. I have had it accepted by the General Accounting Office, sir. I think that the Budget Bureau will have to speak for itself. I do not know what their position is.

Mr. HOLIFIELD. We will give them an opportunity to speak a little later.

Mr. BOLLING. That is the only addition to that language?

Mr. ELLIOTT. The only addition.

Mr. BOLLING. "And shall not be subject to any laws inconsistent therewith."

Mr. ELLIOTT. That is in the existing act.

Mr. BOLLING. Specifically, the difficulty that has been confronted has been confronted because of the passage of subsequent legislation in certain agencies; is that it?

Mr. ELLIOTT. That is one phase of the difficulty. I perhaps should have mentioned that. In at least one occasion another agency has taken the view that because an act was passed subsequent to this act they had no authority in law to utilize the procedure under this act. The question came up in an informal discussion with the Housing and Home Finance Agency.

If you will recall, under 502 (d) 11, the Housing and Home Finance Agency has a special exemption with respect to the disposal of residential property. After the passage of the Housing Act of 1950, which authorized a disposal program of Federal housing projects, the Office of General Counsel of the Housing and Home Finance Agency took the view that even after they have exhausted the normal residential disposal procedure under that act, that is to say, after they have offered it for sale to the veterans' group, and after it has been offered for sale to local housing authorities, and have found no takers, and therefore would throw it on the open market—a sale, in other words, at the best price without regard to programing—they are precluded, as a matter of law, from using the provisions of Public Law 152, so by reenacting (c) it would at least bring it up to date. It would not have any corrective aspects as to future legislation, but it would at least bring it up to date as to any legislation enacted in the past.

Then there is the further circumstances that in case of a dispute we feel that the words "and paramount" would make this act prevail. Of course, it does not override the special exemptions.

Mr. HOLIFIELD. We will pass that point then, Mr. Elliott.

We will now go to the following page.

Mr. ELLIOTT. On the following page, line 7, there is an additional exemption which is not in the existing law. If you will recall, the term "Federal agency" is defined to mean any executive agency and any establishment in the legislative or judicial branch of the Government except the Senate and the House of Representatives. Some scholastic thinkers have felt because the Joint Committee on Printing was a joint committee of both the Senate and the House, it was therefore neither the Senate nor the House, and therefore might not come within the other exemptions. It is not my view, but that is the reason for that exemption, and it was put in to make the joint committee feel happier. My own personal view is that obviously a committee of Congress comes within the term even if it is a joint committee.

Mr. HOLIFIELD. All right. We will take that up in executive session.

Mr. ELLIOTT. Now there is one other thing. Present section 502 (d) 18, which is the last one of the special exemptions, provides, going back to the beginning—

Nothing in this Act shall impair or affect any authority of or any other law relating to the procurement, utilization, or disposal of property, provided that subject to and within the scope of the authority conferred upon the Administrator by other provisions of this Act, he is authorized to prescribe regulations to govern any procurement, utilization or disposal of property under any such law whenever, but only to the extent he deems such action necessary to effectuate the provisions of title II thereof.

That section has caused a controversy among lawyers. Some of the lawyers and some agencies have taken the view that that is only a procedural power in the Administrator; that his regulations are limited to governing their procedure under the other laws, and it ties in, of course, with the change in 502 (c). If the change in 502 (c) is adopted, 502 (d) is no longer necessary.

Mr. HOLIFIELD. That is in reference to (e) on page 35?

Mr. ELLIOTT. That is in reference to this subsection (f) on page 34, commencing on line 4. That, as I said, changed the existing exemp-

tions by adding the exemption for the joint committee and dropping that present over-all subparagraph 18.

Mr. HOLIFIELD. I still do not follow you. Are you going over to page 35 and apply (e) to 18?

Mr. ELLIOTT. No, sir. I am on page 34, line 4, of the committee print.

Mr. HOLIFIELD. I see. In other words, if a change is made in section 18, that will have to be changed accordingly.

Mr. ELLIOTT. If the change is made that we discussed a bit ago on 502 (c), and we add the words "and shall be paramount", then the present 502 (d) 18, which I just read, will no longer be necessary.

Mr. HARVEY. So you are substituting in lieu of that, this proviso exemption for the Joint Committee on Printing?

Mr. ELLIOTT. Yes.

Mr. HARVEY. That is actually what you are doing?

Mr. ELLIOTT. That is correct, sir.

Now, on line 17, page 34—

Mr. HOLIFIELD. You are skipping (19).

Mr. ELLIOTT. (19) is the same as in existing law. It is identical to the language.

Present section 503 (a) is the authorization for appropriations.

(g) on page 34, commencing on line 17, would add to that authorization the power to make payments in advance when authorized by the Administrator for library memberships in societies as publications are available for members only. We have had that power in appropriation acts for many years, sir, and it is another case of taking substantive language out of continuing appropriations acts and putting it into an authorizing bill. It is not an extension or expansion of existing law in any case.

Mr. HOLIFIELD. Section 8.

Mr. ELLIOTT. Section 8, page 35, commencing on line 3 (b), is an expansion of the definition of the exemption to the definition of "Federal agency" put at the instance of the Architect of the Capitol. The added language is in lines 6 and 7:

And the Architect of the Capitol and any activities under his direction.

Mr. HOLIFIELD. In other words, all of section 8 is at the instance of the Architect of the Capitol?

Mr. ELLIOTT. Yes; the entire section 8 is at the instance of the Architect.

Mr. HOLIFIELD. And it has been accepted by your organization?

Mr. ELLIOTT. Yes; it has been accepted. Our feeling on that is that the Architect of the Capitol is a servant of the Senate and the House, and it is a matter for this committee and its counterpart in the Senate to determine how they wish to handle their relationships.

Mr. HOLIFIELD. The purport of the whole section is to satisfy certain people in the Architect's office that this act does not apply to them.

Mr. ELLIOTT. That is correct.

Mr. HOLIFIELD. That is the purpose?

Mr. MERRY. May I make a suggestion regarding page 35, line 18? It is just a minor one. It reads: "No provision of this act as originally enacted, or as subsequently amended." I think that should be "as originally enacted, or herein amended."



Mr. HOLIFIELD. We will put in "herein" in place of "subsequently."

Mr. ELLIOTT. On that point, I might remark that I am in complete agreement that you cannot bind subsequent Congresses, but the representatives of the Architect's office at the Capitol thought that they would make the try at it.

Mr. HOLIFIELD. Thank you. Mr. Elliott and Mr. Grover, for your valuable contribution to our understanding of this committee print.

We would like for you to take the chair, Mr. Ward.

Mr. LOVRE. Before Mr. Ward takes the stand, if the committee print should be enacted into law as drafted, how much more would it cost to administer this particular department?

Mr. ELLIOTT. I would like to take the three substantive sections separately to answer that question.

The amendments to section 109 of the General Supply fund, eliminating the third charge, would necessarily require a larger administrative appropriation for us because, instead of getting that administrative expense out of a hidden surcharge against other agencies, we would be required to go to the Appropriations Committee for money; but we feel, over all in its effect upon the Government, it would cost less because the administrative expenses in connection with the operations of the fund would then be on the table and annually subjected to the scrutiny of the Appropriations Committee rather than under the present law hidden in effect in the surcharge.

Mr. LOVRE. How much more would you think—25 percent, 50 percent, or what?

Mr. ELLIOTT. For that immediate purpose?

Mr. LOVRE. Yes.

Mr. ELLIOTT. I am sorry that I cannot answer that question. It would depend upon the volume of business. I could have our people get it up for me and submit it to you later, if you wish it. The best estimate we could make would be submitted.

There is one more observation that I would like to make. We also feel by the elimination of the surcharge and the other amendments to the General Supply fund we could do a much greater volume of business for other Federal agencies at lower prices and make that additional saving.

Mr. BOLLING. In the testimony of Mr. Kurth, if I remember correctly, Mr. Harvey raised that point, and, if my memory serves me, the over-all average of the surcharge has been 6.34, and you can figure out the additional appropriations on that particular segment fairly easily.

Mr. HOLIFIELD. And that applies to the supply fund operation only?

Mr. BOLLING. There was something also in the record that would tend to make one believe that the surcharge cost was 12 percent. That was just in the stores operation, as I understand it. The advantage, as I saw it, was that the taxpayer would know where his money was going. There would be no difficulty in terms of expenditure, but the money would be tagged as a service and handling charge.

Mr. HOLIFIELD. Unless you want to pursue this further, Mr. Lovre, I would like to ask the indulgence of the committee at this time to put Mr. Ward on the stand because he has to go to another meeting. We can come back to this later.

Mr. LOVRE. Very well.



## FURTHER STATEMENT OF RAY WARD, CHIEF, GENERAL SERVICES GROUP, BUREAU OF THE BUDGET

MR. WARD. I am at your service.

MR. HOLIFIELD. Mr. Ward, we will hear you. You have been very patient for the last 3 or 4 days. I am sorry that we are rushed for time. I suggest that you confine your remarks to those sections on which you can give some clarifying remarks, or those sections to which you have some amendments to offer.

MR. WARD. Thank you, Mr. Chairman.

In general, I think that the representatives from the GSA have done a very fine job explaining this bill, which is a very important one for efficient management in the Government.

I refer particularly, of course, to the records management part, which is the management part of the bill. Very few people realize the extent of the records problem in the Federal Government; in fact, the extent of it is unbelievable.

In the District of Columbia alone the Government owns or leases in excess of 30,000,000 feet of space and about 5,000,000, or 16 $\frac{2}{3}$  percent of this is used for files. With nine-tenths of the Federal employees in the field in some 40,000 offices, it is difficult to know the extent of the files problem in the field, but it is certainly enormous.

We know in certain other Federal cities, like Boston, New York, Atlanta, and Kansas City, Chicago, Dallas, Seattle, and San Francisco, we have this same type of problem, the same common problem with files management or records management, that we have in the District of Columbia. Not only is there a tremendous accumulation of files now in the Government, but we are daily creating large increments.

The Government Printing Office receives from 7 to 10 carloads of paper stock daily—7 to 10 carloads. This, in large part, goes out to the agencies in one form or another. It is fair to estimate that the agencies use some 100,000 forms of various kinds. Of these, incidentally, 80 to 95 percent are purely agency forms. The other 5 to 20 percent are standard forms. Here exists a large field for standardization.

In addition to the output from the Government Printing Office, the estimated 800,000 Government typewriters are daily making untold letters; the mimeographs and other machines are producing millions of copies of documents, forms, contracts, and so forth.

From the newspapers, magazines, and other periodicals that the agencies buy there is also a great increment of material that goes into the files.

Not only are Government papers expensive to produce, but they are costly to keep.

I would like to illustrate that by an example from the Veterans' Administration. They have some 20,000,000 individual vet file cases or folders. If one sheet of paper is added to each we get 40,000 reams of paper. That would mean about 80,000 inches, or about 6,600 feet.

Now, for the sake of underemphasis, we could call it a mile if we would want to do it. You would have a mile of file space used. That would go into valuable file cases. It would take hundreds of file cases to hold that individual sheet of paper for all those cases.

Not only do you have the filing material, but you have to have the office space or other space in which to house that material.

There are a number of other agencies besides the Veterans' Administration that have individual cases that run into the millions.

That gives you an idea of the over-all magnitude of this problem.

It is clear that an active program is needed to (1) reduce the birth of record material, and (2) attain more standardization of materials, and (3) reduce the cost of filing and housing material, eliminate records not needed, and preserve records that are needed. These objectives should be achieved without interfering with legitimate agency programs, or with the destruction of material of permanent and historical value.

This bill and Public Law 152 should give sufficient authority for the purpose.

As Dr. Grover stated yesterday, authority must stem from competency.

I am sure from the experience we have had with Dr. Grover and his people that there is a high degree of competency in this record-management field, and some real savings are going to be made in that area.

I might say for your information, Mr. Chairman, because I know you are interested, that the Bureau of the Budget made available to the GSA a small amount of money from the President's management improvement fund for the purpose of installing a pilot installation for the record center up at Brooklyn.

Dr. Grover and his people have secured a building up there and are now very actively engaged in setting up a record center. You might be interested in taking a look at it, or have some of the other members of the committee take a look.

I understand that they are making good progress and you might want to get some details as to the operation.

I would like to jump now to a discussion of section 210 of the bill in connection with 109 (a).

Section 210 deals with the operation of buildings and related activities. As Mr. Elliott stated on Tuesday, much of the section concerns itself with point-of-order legislation.

Several years ago the Government agencies were asked to develop authorizing bills to take care of many items that had crept into the appropriation acts over a period of time, and were continued year after year.

The language in section 210 takes care of many of such items for the Public Building Service. It should be pointed out, however, that section 109 (a) has the opposite effect to section 210. It creates an appropriation from the general fund in a legislative bill without the involvement of the Appropriations Committee.

The Bureau of the Budget believes that as a matter of general policy the General Fund of the Treasury should not be used except after careful estimates have gone through the usual budgetary and appropriation channels.

Some of you gentlemen a while ago were discussing the possibilities of additional appropriations that might be needed to carry out some of the provisions of this bill. I think that your questions illustrate the need for a detailed annual check of appropriations, expenditures, and estimates to see where essentially broad authorization will lead.

Mr. HARVEY. If I may interrupt, as a matter of legislative procedure, you are contemplating that there should be authorization sufficient in

other legislative groups to provide for that—authorization acts in conjunction with the appropriations?

Mr. WARD. That is the position of the Bureau; that the legislative committees authorize the activity and then detailed estimates go through the usual channels for consideration by the Bureau of the Budget and the Appropriations Committee.

Mr. Elliott mentioned a few minutes ago, when GSA asks for a correct appropriation to finance its own overhead, that appropriation will have to be considered through all the estimates, budgetary, and appropriation channels and be very carefully scrutinized.

The report that we have received from the Treasury Department supports the same position, Mr. Chairman, that the Bureau takes with respect to the general fund section, 109 (a). I will read it because it is quite short:

For your information, a similar provision was suggested by the Department of the Treasury in a proposed bill transmitted to the Congress on January 13, 1949, relative to the general supply fund. The provision drafted by the Treasury Department, however, would have limited such credits or advances to the general supply fund by the Secretary of the Treasury to amounts appropriated for that purpose. This department is of the opinion that it would be desirable, both to definitely limit the amount of credits or advances and to provide in specific terms for appropriations therefor. Although the language proposed in H. R. 8416 might be construed as an appropriation, it is not clear and the amount of funds that would be involved is not definite.

I want to further state that while the Bureau does not consider that section to be in accord with the program of the President, everyone is of the opinion that the GSA needs adequate capital to carry on these important functions, and upon the development of the estimates to support the items in the programs that they are going to carry on, we feel confident there will be no difficulty, either in the Bureau of the Budget or on the Hill.

During the years the supply fund has been increased several times upon the presentation of facts to the Appropriations Committee.

There was an appropriation of \$300,000 in 1930, some \$470,000 was transferred when another function was transferred to the old Procurement Division, and in 1936 it was increased by \$250,000; in 1939 by \$2,000,000; in 1941 by \$2,000,000; in 1944 by \$3,000,000; and in 1949 by \$1,500,000, and in 1950 it was rounded out and an even \$10,000,000 appropriated. This year they have an estimate for a \$4,000,000 increase, which has passed the House. I do not know what action will be taken in the Senate.

Mr. HOLIFIELD. Which would bring the total to \$14,000,000?

Mr. WARD. Yes.

Mr. HOLIFIELD. And that would be their operating fund?

Mr. WARD. That would be their—

Mr. HOLIFIELD. In past operations have they demonstrated a lack of necessary funds to furnish services to the different agencies?

Mr. WARD. As Mr. Forbes mentioned the other day, they have had a real problem with back orders by not having sufficient stock to take care of all the orders that might come in. The problem has arisen largely from the fact that the military agencies have not in the past advised Federal Supply as to how much they are going to obtain, so when they would come in they would just wipe out the stock in a number of cases.



Under this area of programing with the military we are going to work out some way to find out what the demand is going to be by the military on Federal Supply. I am confident when that is worked out and they can show what those estimates are, that provision can readily be made through annual appropriations to take care of the supply fund.

Mr. HARVEY. Have you arrived at any figure yet, Mr. Ward, that would give us any indication as to whether the \$75,000,000 requested is approximately the required amount?

Mr. WARD. Well, the witnesses from the GSA, Mr. Harvey, indicated that they would not reach the \$75,000,000 for some time, in their opinion.

Mr. HARVEY. Have you and the Bureau arrived at any firm figure?

Mr. WARD. No. That can only be done as the result of detailed study, item by item, as to what should go into the warehouse—what kind of stocks to carry. That study has not been made. It is something that is needed and is being worked on right now.

Mr. HARVEY. That brings us to the next question which I think is logical. Do you think a substantial increase should be made, blanket, or should it be withheld pending the conclusion of the study?

Mr. WARD. I think that it should be withheld until facts are presented to show what needs to be warehoused.

Mr. BOLLING. Do you happen to recall what the GSA request was in the 1951 budget, the increase?

Mr. WARD. \$4,000,000.

Mr. BOLLING. They asked for an increase of \$1,000,000?

Mr. WARD. Yes. That, in a sense, Mr. Bolling, was a surprise to me, because I had been working on this bill, and the year before a request for \$10,000,000 had been approved as far as the Bureau was concerned, and so the last year the request, which was for \$4,000,000, was a surprise, but that is no criticism. Under the new activity they are trying to get a great many things pulled together, and one of them is to make a determination of items that should be warehoused and to find out what the volume is.

Now, in doing that, they have to go to the Federal agencies to get an estimate of the demand that is going to be made. It is very difficult to provide when you do not know what the demand is going to be.

Mr. HOLIFIELD. So this \$4,000,000 increase was requested on the basis of estimates that other agencies had made of their physical purchases for that period?

Mr. WARD. Partly on the study that was going on in the military and other items that Federal Supply thought that they would need. The estimate of \$4,000,000 was made. I would rather that someone from the GSA speak as to their reasons back of that.

Mr. HOLIFIELD. While this supply fund provides a ceiling, a potential ceiling of \$75,000,000, the section provides that the increase shall not be over 25 percent of their estimate.

Mr. WARD. Yes.

Mr. HOLIFIELD. Does that mean if they estimate they need \$14,000,000 this year, as they have estimated, that one-fourth of that would be all that could be taken from this \$75,000,000 authorization?

Mr. WARD. No. Under the provisions as stated here, Mr. Chairman, they would estimate what the volume of business would be. Say that



it was \$100,000,000. Then, figuring on an average of a four-time turn-over, they would need a capital of a fourth of that.

Mr. HOLIFIELD. \$25,000,000?

Mr. WARD. \$25,000,000 to take care of it. That is the basic provision.

Mr. HOLIFIELD. I see.

Mr. WARD. There is another matter that I would like to comment on, or have Mr. Merry do it, if it is agreeable. That is with respect to the automobile identification. We consider that as something important that should be in the bill, and Mr. Merry is prepared to discuss that for you.

Mr. MERRY. On page 13, Mr. Chairman, first I would like to suggest a change in the title to "Motor Vehicle Identification." We use the term "motor vehicle," and it is a little broader than "automobile." An automobile is frequently construed to be merely a passenger car.

Mr. HOLIFIELD. All right.

Mr. MERRY. This, incidentally, is practically a restatement of the language of H. R. 6315 which the Bureau commented on favorably to Mr. Dawson under date of February 8 of this year. What it does is merely this: The existing statute passed in 1905 required that automobiles in the departmental service in the District of Columbia have their name imprinted along the side. There is no law requiring identification of all of the cars in the field service, and at present there are some 5,000 cars in Washington and some 175,000 in other sections of the United States, but the law is applicable only to those in the District of Columbia. This is merely to extend it to all automobiles within the United States and its Territories.

Mr. HOLIFIELD. Is your agency in favor of this?

Mr. MERRY. Yes. The 1905 statute is supplemented by the Bureau of the Budget circular which required the identification of these other automobiles, but part of it is by statute and part by circular, and it is undesirable not to have a uniform statute calling for regulation of the Administrator of General Services.

Mr. HOLIFIELD. Mr. Case has a bill in on this, I believe.

Mr. MERRY. That is the one I just referred to—H. R. 6315.

Mr. HOLIFIELD. Was your report on that bill favorable?

Mr. MERRY. Yes; it was. What we said actually was we favored the enactment of H. R. 6315, but suggested it not be considered separately but in a bill of larger proportions such as this.

There is another important feature. In the 1905 statute there is no authority to grant exemptions, for example, for FBI or Secret Service or any undercover operations. This provision of law provides for an exemption under those circumstances.

Mr. HOLIFIELD. So all of the different agencies that are engaged in security work would be protected under this?

Mr. MERRY. Oh, yes.

Mr. HOLIFIELD. By the provision beginning in line 7?

Mr. MERRY. That is right. In fact, I would like to submit for the record a copy of the Budget's circular which supplements the existing law, and therein is included the list of agencies, such as Secret Service, Treasury Department, which are in the exemption part of the provision in the circular and can be exempted from this provision of law if enacted.

Mr. HOLIFIELD. We will give that further consideration.

(The matter submitted for the record by Mr. Merry is as follows:)

CIRCULAR NO. A-14 (REVISED)

EXECUTIVE OFFICE OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
Washington 25, D. C., November 6, 1947.

To: The Heads of Executive Departments and Establishments.

Subject: Identification of Government-owned motor vehicles.

This revision of Circular No. A-14, which replaces and rescinds Circular No. A-14, dated August 1, 1943, continues in effect the uniform system for identification of Government-owned vehicles, as directed by the President June 18, 1941. It puts into effect a few specific changes made necessary by new conditions which have developed as a result of Government reorganization and the actions of some State governments requiring the use of two instead of one motor-vehicle license tags. Principal changes, aside from rearrangement of content, include—

a. Language referring to military agencies has been altered throughout in accordance with the recent reorganization;

b. Paragraph 3a transfers authority for the design of identification tags to the Director of the Bureau of Federal Supply;

c. Paragraph 3d (1) provides for the use of two tags rather than one;

d. Paragraph 3d (2) provides that existing supplies of tags as well as old tags now mounted on rear of vehicle may be used if in good condition except when local authorities urge immediate change-over to two tags.

1. *Uniform identification required.*—It is necessary that the heads of departments and establishments register and identify Government-owned vehicles in accordance with applicable statutes and the uniform identification system directed by the President on June 18, 1941, as herein specified.

2. *Types of identification and vehicles to which applicable.*—a. Except for the exemptions provided in sections 5 and 6 of this circular, official United States Government identification tags and decalcomania shields shall be displayed, as herein provided, on all vehicles which are either (1) owned by a Federal department or establishment and operated on the public highways of the United States, or (2) leased for a period exceeding 6 months, housed by the leasing department or establishment, and operated on public highways by Government personnel.

b. In addition, every such vehicle in the departmental service within the District of Columbia shall have conspicuously imprinted upon it the full name of the department or agency to which it belongs (as provided by 60 Stat. 810).

c. Exempted vehicles, other than military, shall carry regular license plates issued by the State or Territory in which principally operated, or the District of Columbia, as the case may be.

d. Military vehicles shall be marked as prescribed by the respective secretaries of the National Defense Establishment.

3. *Official United State Government tags*—a. Manufacturing specifications for United States Government tags: The Director of the Bureau of Federal Supply, Treasury Department, shall prescribe detailed specifications for the manufacture of official tags. They shall be of such weight and finish as to permit their continuous use during the normal operating life of the vehicles to which they are assigned.

b. Registration of vehicles and procurement of Government tags: Each department and establishment shall maintain a record of all tags in use, the vehicle to which assigned, and all voided tag numbers.

(1) Vehicles used in the field: Except for those required in the District of Columbia, official Government tags shall be purchased in accordance with instructions issued by the Bureau of Federal Supply.

(2) Vehicles used in the District of Columbia: Government vehicles operated primarily in the District of Columbia shall be registered with, and official tags for them procured from the District of Columbia Department of Vehicles and Traffic, in accordance with section 40-102, paragraph (b), subparagraph (2), of title 40, District of Columbia Code, which provides for the issuance \* \* \* "Annually, without charge, of certificates of registration and identification tags for all vehicles owned by the United States or by the District of Columbia, or officially used by any duly accredited representative of a foreign government." Every such vehicle shall be reregistered during April of each year (special forms being available from the Department of Vehicles and Traffic for the purpose).

Further, each vehicle shall be inspected annually by the District of Columbia Department of Vehicles and Traffic, in accordance with 52 Statute 78, which requires such service to be provided without charge for \* \* \* "vehicles owned and officially used by the Government of the United States or by the government of the District of Columbia or by the representatives of foreign governments. \* \* \*

c. Numbering and coding of Government tags.—

(1) The identification tags for each department or establishment, except those procured from the District of Columbia government, shall be numbered serially beginning with 100. The number on each plate shall be preceded by a letter code designating the department or establishment, as follows:

Agricultural Department	A
Army Department	W
Commerce Department	C
Interior Department	I
Justice Department	J
Labor Department	L
Office of Defense Secretary	D
Navy Department	N
Post Office Department	P
State Department	S
Treasury Department	T
Atomic Energy Commission	AE
Air Force Department	AF
Executive Office of the President	EO
Federal Security Agency	FS
Federal Works Agency	FW
Federal Communications Commission	FC
Federal Deposit Insurance Corporation	FD
Federal Power Commission	FP
Office of the Housing Expediter	HE
Interstate Commerce Commission	IC
Maritime Commission	MC
National Advisory Committee for Aeronautics	NA
Housing and Home Finance Agency	NH
Philippine Alien Property Administration	PA
Panama Canal	PC
Philippine War Damage Commission	PW
Reconstruction Finance Corporation	RF
Railroad Retirement Board	RR
Securities and Exchange Commission	SE
Smithsonian Institution	SI
Office of Selective Service Records	SS
Tennessee Valley Authority	TV
Veterans' Administration	VA
War Assets Administration	WA

(2) Any additional code combinations which may become necessary through the creation of new departments or establishments, the acquisition of motor vehicles by existing departments or establishments not now operating any vehicles, or for any other reason, will be assigned by the Director of the Bureau of the Budget upon request from the head of the department or establishment concerned.

d. Display and disposal of Government tags: (1) Each vehicle shall carry two tags, mounted respectively on the front and rear of the vehicle. The tags shall be used on the vehicle to which originally assigned until the vehicle is removed from service, or until they become mutilated or defaced, making necessary their replacement. When a vehicle is retired from service, the tags shall be removed. Such tags may be either transferred to a new vehicle, returned to stock for subsequent use, or voided against further use, in accordance with policies established by the heads of the various departments and establishments.

(2) In order to conserve as much of the critically short steel supply as possible at this time, old tags now mounted on the rear of vehicles should be continued in use if in good condition, and existing stocks of old tags should be exhausted before new tags are put in use, except as local authorities may urge immediate change-over to front-and-rear identification in accordance with postwar license-plate practices within their States.



(3) Tags which are voided shall be defaced or destroyed to prevent their being reused for unauthorized purposes. All departmental or establishment tags removed from vehicles or in stock when the official tags are received shall be accumulated, defaced, and disposed of as prescribed by surplus property regulations.

(4) Tags secured from the District of Columbia government may be transferred only to another Government vehicle of the same department or establishment operating in the District, and then only if authorized by the Director of Vehicles and Traffic of the District of Columbia government. Damaged or mutilated tags removed from vehicles operating in the District of Columbia shall be delivered to the District of Columbia Department of Vehicles and Traffic for cancellation.

(5) Official Government tags shall not be used on any vehicle not owned or leased, in accordance with the provisions of paragraph 2 hereof, by the United States Government.

4. *Official United States Government shields.*—a. Specifications and procurement of shields.—The Public Printer shall prescribe detailed specifications to assure that shields are of permanent highest quality decalomania. The departments and establishments shall purchase shields from the Government Printing Office.

b. Display and disposal of shields.—(1) The official identification shield shall be displayed as follows:

(a) On passenger cars, trucks, busses, and ambulances—vertically centered on both front door panels, or in as nearly equivalent position relative to the driver's seat as is possible if there is no door.

(b) On trailers—vertically centered on both sides.

(c) On motorcycles (sidecars only)—vertically centered on the outside panel of sidecar.

(2) When a vehicle is sold or otherwise retired from Government use, the shields shall be removed. The official identification shield shall not be displayed on any vehicle not owned or leased by the United States Government.

5. *Exemptions from use of official tags and shields.*—a. Unlimited exemptions: Certain vehicles used continuously in duties the effective performance of which would be hampered by conspicuous identification are exempted from carrying the official tags and shields as follows:

National Security Council: All vehicles operated by the Central Intelligence Agency.

Treasury Department: All vehicles operated by the Bureau of Narcotics, the Secret Service Division, the Intelligence Unit and the Alcohol Tax Unit of the Bureau of Internal Revenue, and the Division of Enforcement and Patrol, Bureau of Customs.

National Military Establishment: All military vehicles, except those administrative motor vehicles<sup>1</sup> located within the contiguous area of the District of Columbia (as defined by the Interstate Commerce Commission).

Army Department: Special automobiles of the Counter Intelligence Corps and the Criminal Investigation Division.

Navy Department: All vehicles of the Office of Naval Intelligence.

Justice Department: All vehicles operated by the Federal Bureau of Investigation and the Border Patrol of the Immigration and Naturalization Service.

Interior Department: Those vehicles operated by the Fish and Wildlife Service in enforcing Federal game laws.

b. *Limited exemptions.*—(1) Certain vehicles, though not continuously so, may nevertheless be occasionally engaged in the performance of duties which would be hampered by conspicuous identification. The heads of the following departments and establishments, to allow for such contingencies, may delegate to the proper persons under their jurisdiction the authority to allow the temporary removal of the official tags and the substitution of State tags only when necessary for the proper execution of the specific duties at hand. Consistent with the necessity for such changes of plates, vehicles used by these Government units need not carry decalomania shields at any time:

Treasury Department: The collector's Offices of the Bureau of Customs.

Interior Department: The Oil and Gas Division, the Office of Field Representatives, and the special officers of the Office of Indian Affairs.

<sup>1</sup> The term "administrative motor vehicle" includes automobiles and other vehicles normally of the commercial type used for purposes not directly connected with combat or the training of troops of tactical operations.



Federal Works Agency: Division of Investigation, Bureau of Community Facilities.

Federal Communications Commission: Field Engineering and Monitoring Division.

(2) For other reasons, the following shall be exempted from use of the official shield: Vehicles assigned for use of the President, his secretaries, and the heads of executive departments; trucks owned by the Post Office Department and used in the postal service.

c. Additional exemptions.—Limited or unlimited exemptions, in addition to those provided in subparagraphs (a) and (b), may be authorized whenever in the public interest and approved by the Director of the Bureau of the Budget. Such exemptions as have been previously authorized by the Director of the Bureau of the Budget shall continue in force.

6. *Use of other tags or license plates.*—Identification tags or plates other than the official United States Government tags here prescribed may be used only on vehicles exempted by the provisions of paragraph 5 above and on nonexempt military vehicles.

a. Plates for exempted vehicles in the field.—With the exception of military vehicles, exempted vehicles outside the District of Columbia shall carry regular plates issued by the States or Territories in which they are principally used. Military vehicles shall continue to be registered and marked in accordance with regulations prescribed by the respective secretaries of the National Military Establishment.

b. Plates for exempted and military vehicles in the District of Columbia.—(1) Requests for regular District of Columbia tags for those vehicles operated in the District of Columbia which are exempted from carrying the official tags and shield shall be approved annually by the Bureau of the Budget before submission to the Department of Vehicles and Traffic of the District of Columbia.

(2) Although administrative military vehicles operated in and around the District of Columbia are nonexempt and must carry official United States Government tags, they may, in addition, carry the standard plates of their respective departments.

7. *Effective date.*—Except as otherwise authorized by the Director of the Bureau of the Budget, the provisions of this circular are effective as of the date of issuance.

JAMES E. WEBB, *Director.*

Mr. HOLIFIELD. Does that cover the testimony of the Bureau of the Budget?

Mr. MERRY. I have one item which I received from the Department of Defense this morning, which I would like to call to your attention. On page 20, line 20, they want to strengthen the GSA authority there a little bit. They pointed out this morning that starting with line 20 about the establishment, maintenance, and operation of records centers, when you get by the semicolon at the end of the page, they speak only of operating centralized microfilming services. They are wondering if the words "microfilming services" should be brought in the first part with authority to establish, maintain, and operate. It may be that GSA does not need that authority. I do not know.

Mr. HOLIFIELD. It does not appear consequential to me.

Mr. MERRY. I do not know, except that there is a distinction here. In the first place, you establish, maintain, and operate and later you only operate.

Mr. HOLIFIELD. We will consider that language.

Mr. MERRY. I have one other suggestion in connection with the question of regulations under section 205 (h) of the act, where it speaks about the Administrator consulting with other agencies with respect to the provisions of title II. Some of the agencies have commented a little bit on this proposal. That is limited to the provisions of title II—that language with respect to consulting with other agencies.

Mr. HOLIFIELD. I have that act before me now. What is the suggestion?

Mr. MERRY. The suggestion would be that you change the word "title" to "act" so that there would be a consultation of agencies with respect to this new material that is under records management.

Mr. HOLIFIELD. Is that carried over in this bill?

Mr. MERRY. I do not think it is.

Mr. HARVEY. You think it should be broadened to include the entire act?

Mr. MERRY. That is just the comments of several agencies which we received in respect to it.

Mr. HARVEY. I would see no objection to that, certainly.

Mr. HOLIFIELD. I see no objection. That would involve a new paragraph, then; would it not?

Mr. MERRY. Yes.

Mr. HOLIFIELD. That would mean another paragraph 34, then; would it not, on page 33 of the committee print?

Mr. MERRY. No. That paragraph 33 is a repealer.

Mr. HOLIFIELD. Yes; that is right. Where would be the logical place to put that in the bill?

Mr. MERRY. I do not know whether Mr. Elliott has thought about that.

Mr. HOLIFIELD. Well, we will work that out.

Mr. ELLIOTT. There certainly is no objection to that from our standpoint. We have not suggested it, only because we thought the Federal Records Council would serve the purpose of an advising and consulting medium in connection with records. But there is certainly no objection to broadening the other, also, because that is what we would do.

Mr. HOLIFIELD. Are there any other points Mr. Merry?

Mr. MERRY. No. In fact, I think we have covered substantially all of the agency comments with respect to those portions of the old H. R. 8416 which are contained in this committee print.

Mr. HOLIFIELD. In what position are we with regard to letters from the different agencies in regard to the committee print as it now stands?

Mr. MERRY. We have not circularized the committee print. We circularized H. R. 8416, and we have received comments now from all of the agencies either in writing or over the phone in the last couple of days.

As I say, we have taken care of practically all of the agency suggestions on the committee print. The Bureau has not filed its formal report in respect to this but will do so very shortly.

Mr. HOLIFIELD. As soon as we get this committee print as amended in final form, we will then submit it to you for a quick summary from the letters you have from the agencies on these other bills, H. R. 8416, and so forth.

Mr. MERRY. Very well.

Mr. HOLIFIELD. Now, Mr. Johnson is here from the General Accounting Office.

Do you have any comments to make, Mr. Johnson, before we adjourn?

**STATEMENT OF CHARLES E. JOHNSON, LEGISLATIVE ATTORNEY,  
GENERAL ACCOUNTING OFFICE**

Mr. JOHNSON. I would like to offer several minor suggestions for consideration by the committee, including one important addition.

Mr. HOLIFIELD. Will you please give the reporter your name?

Mr. JOHNSON. Charles E. Johnson, legislative attorney, General Accounting Office.

Mr. Chairman, the Comptroller General has authorized me to make a very brief comment on section 109 (a) of the committee print and, believing the committee will want to take up the suggestions of our Office in the order of presentation, I will touch on that first.

As to substance, the Comptroller General has already made a favorable recommendation on the proposition that the general supply fund, the capital account, should be increased so that additional working capital may be made available to the Administrator. That was in a report on S. 597 in the first session of the Eighty-First Congress. I do not have the reference to the companion House bill.

The proposal there was based on language similar to that recommended by the Treasury Department, so that we did not have for consideration the method to be employed.

We would have to comment further on this present proposal, aside from substance, that the method, in essence, is the making of an appropriation, of course, and would be at variance with the established appropriation procedures.

As to other suggested changes, the majority of the General Accounting Office's suggestions have already been incorporated.

If I may move on to page 5 of the committee print, at line 9 provision is made in this subsection to tighten down on collections of receivables to give the Administrator the machinery to collect from the agencies at a reasonable date. Sometimes, as we know, Federal agencies are dilatory in making payments. In line 9, the word "warrants" followed by the words "supported by itemized invoices" would not be sufficient if the omnibus appropriation bill, H. R. 7786, is enacted into law. Section 1110 includes a provision for transfer of funds by check, and it is made mandatory. If that provision is enacted into law, this proviso in existing law for "transfer," the counter-warrants procedure, would be largely negatory. So it is our proposal that after the word "warrants" on line 9, page 5, of the committee print, the words "or other lawful transfer documents" be inserted, or words to that effect. In that case, there will be a device in either event, whether or not section 1110 is enactment.

Mr. HOLIFIELD. What is that again?

Mr. JOHNSON. "Or other lawful transfer documents." I believe the word "documents" might be sufficient. Section 1110 requires transfer by check.

Mr. HOLIFIELD. That language would take care of—

Mr. JOHNSON. Any eventuality, we believe.

Mr. HOLIFIELD. It would take care of the present provisions in the omnibus appropriation bill in case it is enacted as now written?

Mr. JOHNSON. That is correct, sir. That is the most important point.

Mr. HOLIFIELD. Is there any objection to that?



Mr. ELLIOTT. No, sir; that is entirely agreeable.

Mr. MERRY. I see no objection.

Mr. JOHNSON. There is another suggestion on the preceding portion of that same subsection, beginning at line 23 on page 4 of the committee print, which reads:

where an advance of funds is not made, requisitioning agencies shall promptly reimburse the General Services Administration in accordance with accounting procedures approved by the Comptroller General.

I would like to suggest for the committee's consideration that the opening clause be modified to read somewhat as follows:

"Where an advance of funds is not made, the General Services Administration shall be reimbursed out of funds of the requisitioning agency" or words to that effect.

That would fit in with the contemplated procedure under section 1110 of the omnibus appropriation bill, and it is entirely consistent with the proviso giving the Administrator authority to collect this money by summary procedure where agencies do not pay up within 45 days.

Mr. HOLIFIELD. There is no objection on the part of General Services to that language?

Mr. ELLIOTT. No, sir.

Mr. HOLIFIELD. It does not change the meaning of that, I would say; does it?

Mr. JOHNSON. No, sir. It is just a little more specific.

Mr. HOLIFIELD. And stronger.

Mr. JOHNSON. And stronger, and fits in with the proviso.

Mr. HOLIFIELD. Will you read it in the form you suggest?

Mr. JOHNSON. "Where an advance of funds is not made, the General Services Administration shall be reimbursed and out of funds of the requisitioning agency."

Proceeding seriatim, the next point in the committee print would be—

Mr. HOLIFIELD. Do you want to retain in that provision "in accordance with accounting procedures approved by the Comptroller General," or is that necessary?

Mr. JOHNSON. Yes, sir; that would be retained.

Mr. Elliott just called my attention to the fact that I left out the word "promptly." It should read "the General Services Administration shall promptly be reimbursed out of funds of the requisitioning agency in accordance with accounting procedures approved by the Comptroller General."

Mr. HOLIFIELD. There is a vote to recommit the tax bill, and we are going to have to bring this hearing to a close.

Do you have any more suggestions?

Mr. JOHNSON. There is only one more point of importance. That is the authority of the Comptroller General to remit liquidated damages as contained in section 306 of the Federal Property Act. Our proposal, which has not been cleared finally with the budget and GSA, is that the committee print be changed to include a new section 9; that the present section 9 be changed to section 10; and that the new section 9 be a separate provision of law, not an amendment to the Property Act, authorizing the Comptroller General of the United States to remit liquidated damages on the recommendation of the head



of any Federal agency. As presently contained in the law, that authority is restricted to contracts covered by title III of the Federal Property Act and made by the executive agencies. We believe it is a matter broader than the Federal Property Act, and that, if it were limited to Federal Property Act contracts, it would leave out many other agency contracts which should be included.

We have language prepared for that, and I would be happy to submit it for the consideration of the committee.

Mr. HOLIFIELD. Please submit that language and also your reasons for proposing it, to Mr. Kennedy, and we will take it up in executive session.

Mr. JOHNSON. Thank you sir.

Mr. HOLIFIELD. I would like also to have the opinions of the Budget Bureau and the General Services Administration on this new proposed language.

Mr. ELLIOTT. General Services has no objection to it. It would leave us in exactly the same position. It is a matter of congressional policy, as to whether you want to extend that authority to the executive agencies.

Mr. MERRY. I think that would be substantially the view of the Bureau of the Budget, also, but I would like to see the language.

Mr. HOLIFIELD. Then, after you see the language, will you give that to us in writing?

Mr. MERRY. Yes, sir.

Mr. HOLIFIELD. The committee will now stand adjourned subject to the call of the Chair.

# TO AMEND THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

FRIDAY, JULY 14, 1950

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE OF THE COMMITTEE ON EXPENDITURES  
IN THE EXECUTIVE DEPARTMENTS,  
*Washington, D. C.*

The subcommittee met, pursuant to adjournment, at 10:10 a. m., in room 1501, New House Office Building, Hon. Chet Holifield presiding.

Mr. HOLIFIELD. The committee will come to order.

The committee has convened this morning for further consideration of the committee print on the records-management bill, and other amendments. The subject for our discussion this morning is the so-called health feature in the bill which provides for the donation of equipment to certain types of health institutions on the same basis as is now donated to educational institutions.

I will ask Mr. Thomas A. Kennedy, general counsel of our full committee, to make a short preliminary statement to bring the committee up to date on previous action on this particular subject by the Subcommittee on International Relations of our Committee on Expenditures. Mr. Kennedy?

## FURTHER STATEMENT OF THOMAS A. KENNEDY, GENERAL COUNSEL, HOUSE COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS

Mr. KENNEDY. The Subcommittee on Intergovernmental Relations under Congressman Bonner, its chairman, has considered a bill introduced by Congressman Sikes and a bill introduced by Congressman Rogers on the subject matter; in the course of the hearings on that matter they have invited the sponsors of these bills to appear, including representatives of the Florida Improvement Association. At the same hearing we had representatives of the Federal Security Agency present.

The discussion was had on the bill pending before the subcommittee, and Congressman Rich decided in the course of the hearings that certain information should be forthcoming from the Comptroller General in expression of whether or not the principle on which this legislation is based is sound.

Now Mr. Bonner's contention was that the principle of donations of surplus property for educational purposes had been accepted by the passage of the Federal Property Act, and that an extension of this to health was merely a logical extension of the accepted prin-

ciple; however, Mr. Rich was of the opinion that either some amount should be paid for surplus property or, in effect, there should be some sort of discount; in brief, the Federal Government should receive some money from this.

Secondly, Mr. Rich was interested in knowing whether or not this program of disposition of surplus property was to continue, and I believe Mr. Lund, of the Federal Security Agency, at that time went into the fact that this was not the disposition of wartime surplus but the generation of actual obsolescence in material that would be natural in a government the size of our own where the equipment becomes outdated with the passage of time, and that there was another charge made by the agency, the Federal Security Agency, might possibly be expanding their facilities a little bit in the program features.

At Mr. Rich's request, I have sent a note to the Comptroller General asking for this expression with regard to the feasibility of a money charge, and I should like to read that letter, with the permission of the chairman.

Mr. HOLFIELD. You may proceed.

Mr. KENNEDY. It is addressed to Mr. Bonner and it says:

Reference is made to your recent informal request for an expression of my views as to the feasibility of requiring payment by public health and educational institutions for surplus property obtained by such institutions from the Federal Government.

It is understood that the question of requiring such payments has arisen in the consideration of such bills as S. 3781, S. 3842, H. R. 6566, and H. R. 6634, each of which proposes to amend paragraphs (1) and (2) of section 203 (j) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 386). As presently constituted, said paragraphs authorize the Administrator of General Services to donate to tax-supported school systems, schools, colleges, and universities which have been held exempt from taxation, for educational purposes in the States, Territories, and possessions, such equipment, materials, books, or other supplies under the control of any executive agency as shall have been determined to be surplus and to be usable and necessary for educational purposes, or to donate such property to State departments of education or other designated State agencies for distribution to schools, etc.

The subject bills would amend the said paragraphs (1) and (2) so as to authorize donation of surplus property for "public health purposes, including research," as well as for educational purposes, to medical institutions, hospitals, or similar institutions, and to school systems, schools, colleges, and universities such as specified in the present law. By letter B-92102, dated January 25, 1950, I informed the chairman of the Committee on Expenditures in the Executive Departments that while this Office had no special information as to the need or desirability of the legislation proposed by H. R. 6566 and H. R. 6634, it appeared meritorious, and that this Office offered no objection to favorable consideration thereof.

The underlying reason for the enactment of legislation authorizing the donation of surplus property for educational and public-health purposes undoubtedly is the benefit to the general public welfare which may be expected to result therefrom. If educational and public-health institutions were required to pay to the Federal Government the full value of surplus property received by them, or any substantial percentage of its full value, it would appear that the very purpose of the legislation well might be defeated. The suggestion is understood to have been made, however, that the institutions receiving such property might be required to make token payments therefor through means of a special discount on fair value or otherwise.

So far as concerns the granting of a special discount to recipient institutions, I am inclined to the belief that the revenue derived thereby would be more than offset by the additional administrative cost to the Government of determining the fair value of the property, which would be necessary before the discount could be applied, and of consummating sales on that basis. A somewhat similar procedure was utilized by the War Assets Administration under section 13 (a) of the Surplus Property Act of 1944 (58 Stat. 770), which provided for a "public

benefit allowance" to certain purchasers of surplus property, including educational and public health institutions. It is understood that the practice followed was to allow such institutions a 95-percent discount on fair value, the 5 percent charged being intended to cover the costs of handling the disposal of the property. It is my understanding that this procedure resulted in many complaints and considerable expense to the Government. Under section 203 (j) of the Federal Property and Administrative Services Act of 1949 substantially the same revenue is derived by requiring educational institutions to pay for the cost of care and handling of surplus property received by them, and this requirement is continued in the proposed amendments to that section.

In view of the above-discussed unfavorable experience with the special discount procedure, it is my belief that the provisions of the proposed legislation, requiring payment only of the costs of care and handling of donated surplus property, are more desirable both from the standpoint of public benefit and lower cost to the Government.

It is signed by Lindsay C. Warren, Comptroller General of the United States.

Mr. HOFFMAN. Is a copy of that being put in the record?

Mr. HOLIFIELD. Yes. He is reading it into the record. Is that sufficient? If not, we can put a facsimile of it.

Mr. KENNEDY. I offer it for the record.

Mr. HOFFMAN. I want it to be put into the record of the hearings.

Mr. HOLIFIELD. The reporter is taking it down separately.

Mr. HOFFMAN. I do not want it in twice.

Mr. HOLIFIELD. In addition, Mr. Holifield, this morning Mr. Johnson, legislative attorney in the Office of the Comptroller General forwarded this letter, which is apropos of the public-health features, this I would like to read in addition. It is as follows:

In connection with the Comptroller General's letter of today to Hon. Herbert C. Bonner (B-92102) relative to the "public health" provision of the Federal records management bill, I think Mr. Bonner will be interested in the language of Public Law 134, Seventy-eighth Congress, which was for a similar purpose. The particular language is in title II of that act (57 Stat. 499), as follows:

"Notwithstanding the provisions of the Act of December 23, 1941 (Public Law 371), the Federal Security Administrator is authorized, during the fiscal year 1944, to dispose of any camp buildings, no longer needed for Civilian Conservation Corps purposes, and housekeeping and camp maintenance equipment necessary in connection therewith, by transfer with or without reimbursement, to other Federal agencies or, upon such terms as he may prescribe to any State, county, municipality, or non-profit organization for the promotion of conservation, education, recreation, or health: *Provided*, That in the case of buildings located on land owned by the United States, any such disposition shall be subject to the approval of the agency of the United States having jurisdiction of such lands: *And provided further*, That such buildings and equipment shall first be tendered to the War Department and Navy Department for use in prosecution of the war, or the Civil Aeronautics Administration, which Departments or agency shall have sixty days from the date of notification of availability of such buildings and equipment to accept such tender."

This is signed by C. E. Johnson, legislative attorney for the Comptroller General. This was forwarded with the idea that it would show that public health purposes had previously been inserted in a legislative enactment of the Congress, and in similar and parallel circumstances.

Mr. HOLIFIELD. Is that confined to real property or to personal property? I believe it is real property.

Mr. KENNEDY. It says, "disposition of any camp buildings and housekeeping and camp maintenance equipment."

Mr. HOLIFIELD. Well, that is pretty broad. It is almost as broad as the present language then.

Mr. KENNEDY. Yes, sir, Mr. Chairman.



Mr. HOLIFIELD. So this is not in conflict with what has already been done.

Mr. KENNEDY. No, sir.

Mr. HOLIFIELD. I might say that we have with us this morning Congressman Sikes and Congressman Rogers, and I believe your bills are identical, are they not, gentlemen?

Mr. SIKES. Yes.

Mr. HOLIFIELD. So far as I can see, the language of your bills has been incorporated by counsel of GSA into this omnibus amended bill, you might call it, beginning at page 5 in our committee print, and ending on line 6 of page 7, so you gentlemen, in effect, are testifying on the substance of your bills, which is contained in a bill which has several amendments.

Mr. SIKES. That is right.

Mr. HOLIFIELD. May I ask first how long your testimony will be, because we have another small matter here that we might take up immediately if your testimony is going to be very lengthy.

Mr. SIKES. I will not use more than 10 minutes, Mr. Chairman, and probably less.

Mr. HOLIFIELD. Mr. Rogers?

Mr. ROGERS. I have a statement here that I can submit without taking the time of your committee.

Mr. HOLIFIELD. We will give you time to read it if you like.

Mr. O'Hara, then we will ask you to hold your matter in abeyance until these gentlemen get through, because it will be rather short.

Mr. O'HARA. Yes.

Mr. HOLIFIELD. All right, Mr. Sikes, would you care to proceed first?

#### STATEMENT OF HON. ROBERT L. F. SIKES, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. SIKES. Thank you, Mr. Chairman.

I do appreciate this opportunity to appear before your committee in support of the provision to which you have referred affecting the disposition of surplus hospital medical equipment.

Mr. Chairman, under the provisions of the early Federal surplus property program, both educational and health institutions were eligible to purchase surplus property at the prescribed educational and health discount of from 40 to 90 percent.

Under this program equipment and supplies valued at many millions of dollars were made available throughout the Nation to educational institutions, hospitals, and public-health programs.

As the committee well knows, in September of 1948, due to the expiration of the law, all discounts for the purchase of equipment and supplies for educational and health institutions were discontinued.

Since these discounts were discontinued in the fall of 1948 the States, at an accelerated pace, have utilized the provisions of the liberalized donable program governing the disposal of surplus property to educational institutions. Through this donable program educational institutions are now acquiring monthly surplus equipment and supplies valued at about \$8,000,000.

Under the original discount program educational and health institutions were equally eligible, but under the provisions of section 203

(j) of the present law only educational institutions are eligible to receive surplus personal properties.

Health institutions, such as public-health programs, public and other nonprofit hospitals, are not eligible to receive surplus equipment and supplies under the provisions of the present Federal law, and we propose, in effect, by the section which has been inserted in this bill, to make public and other nonprofit hospitals, which are eligible for Federal grant funds under the provisions of the Federal Hospital Survey and Construction Act, also eligible to receive surplus hospital equipment and supplies.

I believe that the significant and probable results of enacting this legislation would include, first, a significant proportion of the equipment and supplies required for hospitals and health centers now being constructed with Federal grant funds could be secured from surpluses now held by the Federal Government if hospitals and health centers were made eligible to receive such equipment under the donable program, as now applicable to educational institutions.

Second, public schools and few universities have need for the hospital equipment and supplies which could so effectively be utilized in our hospital program. They do not need the type of material that we are talking about.

For this reason, the enactment of the legislation proposed could not be expected to appreciably affect the quantity or nature of the surplus properties now being received by public schools and universities under the present provisions of the donable program.

Third, because several Federal hospital programs, including the hospital program of the Veterans' Administration, have not developed to the extent initially planned several years ago, it is believed that a substantial quantity of hospital equipment will be declared surplus by the several Federal agencies during the coming year and during the next several years.

It is believed that the surplus hospital equipment now available, and the equipment that might be declared surplus in the future, can best be used by public-health programs and by public and other nonprofit hospitals throughout the Nation.

This would tend, Mr. Chairman, to increase the efficiency of our public-health programs, would reduce not only the cost of equipping hospitals built under the Federal-grant program, but would also tend to reduce the cost of operation of the public and nonprofit hospitals which might receive the surpluses.

This, in effect, would reduce the cost of hospital care to our people, and proportionately the volume of surplus properties received, and I do not think it necessary that I call to the attention of the committee the fact that the cost of hospital care has increased significantly during recent years, and that is a matter which is of primary concern to all of our people.

In summary, we propose to so amend the Federal Property and Administrative Services Act as to allow public health programs, public and other nonprofit hospitals, to receive surplus equipment and supplies on a donable basis in the same manner that such surplus property is now made available to educational institutions.

I shall be glad, Mr. Chairman, to answer any questions which the committee wishes to ask.

Mr. HOLIFIELD. Are there any questions?

Mr. HOFFMAN. I would like to reserve the right to ask questions after Mr. Rogers gets through along the same line.

Mr. HOLIFIELD. Mr. Rogers.

# STATEMENT OF HON. DWIGHT L. ROGERS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. ROGERS. Mr. Chairman and gentlemen of the committee, I concur in the views expressed by my distinguished and able colleague, Mr. Sikes, and I want to say that what we are asking here in this phraseology which is contained in our bills—I think, possibly, in Mr. Sikes' bill and mine both—does away with that discrimination which my good friend, Mr. Hoffman, over there is so much against, this discrimination against public health institutions and educational institutions.

Now, this was included in the original act, but when it was extended, and when the Federal Property and Administrative Services Act of 1949 was enacted, the section of the law giving benefits to educational agencies was transferred, but reference to the health institutions was omitted, and that is the reason for our coming in here now and asking for the same opportunity and same benefits to be given to the public health institutions of the country, instead of restricting it entirely to the educational institutions.

Mr. HOLIFIELD. You refer there to the language that was in Public Law 134 of the Seventy-eighth Congress—

Mr. ROGERS. Yes.

Mr. HOLIFIELD (continuing). Which no longer is in existence.

Mr. ROGERS. Which no longer is in existence; when it was reenacted into the Federal Property Administrative Services Act of 1949, that was omitted.

Now, I have a specific instance here of where there was some surplus property in Seattle, Wash., that was not being used at all, electroturbine, which the State Improvement Commission, the Florida State Improvement Commission, desired and wanted, and was very useful to the mental hospital at Chattahoochee and, of course, when they began to look into it they found they could not get it because of the fact that this provision had been stricken out in the act of 1949; and we are just asking that that be restored.

Certainly, I cannot see any reason why, if the educational institutions have it, why that same privilege should not be extended to the various health departments of the various States.

I have a short statement here, of which I have practically given the substance. I ask that it be included in the record at this time and at this point.

Mr. HOLIFIELD. Yes, the statement will be accepted.

(The document referred to follows:)

## STATEMENT OF HON. DWIGHT L. ROGERS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

When the War Assets Administration was administering surplus property after the war had ended, it provided in its regulations that public health agencies and nonprofit private health institutions would receive the same priorities in connection with surplus property as educational institutions. However, when the Federal Property and Administrative Service Act of 1949 was enacted, unfortunately the section of law giving benefits to educational agencies was transferred



but reference to the health institutions was omitted. The sole purpose of the amendment is to restore to these health agencies and nonprofit institutions the same status they had prior to the enactment of the 1949 statute.

There is no estimate at the present time of the amount of Federal surplus property which might go to these health agencies; however, a total of about \$8,000,000 on the average is being distributed monthly to various educational institutions. This might be considered to be the basis of distribution to both health and educational agencies and institutions.

The Florida State Improvement Commission in particular is interested in procuring certain kinds of surplus property for hospitals and other public-health institutions in Florida. It is anxious to obtain an electroturbine generator which is now located in Seattle, Wash., and is the property of the Navy Department. This generator is no longer of any use to the Department and the Florida State Improvement Commission is most interested to secure it for the mental hospital at Chattahoochee. The Florida State Improvement Commission has not been able to obtain it because under the present law such property can only be distributed on preference bases to public educational agencies and nonprofit educational institutions.

Mr. HOLIFIELD. Are there any questions?

Mr. HOFFMAN. Do I understand, Mr. Rogers, that equipment which is suitable for hospitals is now given to educational institutions?

Mr. ROGERS. I could not say it is given to them, but the public—

Mr. HOFFMAN. Or transferred to them for nominal sums?

Mr. ROGERS. Yes; for nominal sums, but the public-health institutions cannot get it.

Mr. HOFFMAN. What is that?

Mr. ROGERS. I say the public-health institutions cannot get it.

Mr. HOFFMAN. What are the educational institutions? What do you mean, I will ask Mr. Sikes, when you refer to educational institutions? What do you mean by that term?

Mr. SIKES. Educational institutions include any public school facilities; normally we think of the university level; but sometimes the secondary schools also participate.

Mr. HOFFMAN. Well, some of those universities, of course, have medical schools.

Mr. SIKES. That is correct.

Mr. HOFFMAN. Well, there is no objection to their having it.

Mr. SIKES. No objection to their having the surplus equipment.

Mr. HOFFMAN. This question of the disposal of the surplus property came up, did it not, because during the war we bought much more than we finally needed.

Mr. SIKES. Yes. And since the war there is continuing disposal of the accumulation of surplus property as the Government acquires new material to use in its programs. It has property which still has years of usefulness, but which is not as modern, as up to date, as the Federal agencies need to carry on their work. Much of it still has considerable value to the average small-town hospital.

Mr. HOFFMAN. And it suitable for use in the hospital?

Mr. SIKES. That is correct.

Mr. HOFFMAN. That is to say if you put it in a little different way, the Government wants the best so it discards much material that is still useful.

Mr. SIKES. There is no question but that sometimes happens.

Mr. HOFFMAN. I wonder how it would be to approach the problem from the other angle and have some of our folks use in some of our hospitals some of that material. That is one question. What would you say about that?



Mr. SIKES. Would you please rephrase your question? I am not sure as to just what it means.

Mr. HOFFMAN. Well, stated in a still different way, it is, I gather from your statement, that the hospitals discard—I mean the Federal medical organizations discard material that is still of great value but is not quite up to the last word.

Mr. SIKES. I want to be sure that my answer is understood. Undoubtedly the Federal Government in its various programs does desire to have a constant influx of new material that is up to date, that keeps abreast of scientific standards and new developments.

As a result, it does have on hand surplus property or property which still has useful life, which is of considerable value in the average small hospital, but which may not be of sufficiently advanced scientific design to meet the needs of the Federal agencies in carrying on their work.

Mr. HOFFMAN. And that includes remedies, I suppose? For instance, they have a surplus of certain headache remedies, but a new one comes on the market, so we throw away the old one.

Mr. SIKES. Well, of course, I cannot answer that. I assume that could be true.

Mr. ROGERS. I might illustrate, I expect, an experience the gentleman had. When you came to Congress you had a new suit.

Mr. HOFFMAN. How is that?

Mr. ROGERS. I say, when you got to Congress you got a new suit of clothes.

Mr. HOFFMAN. Oh, no, I did not. [Laughter.]

Mr. ROGERS. Now the old suit you gave to, perhaps, your servant.

Mr. HOFFMAN. No, that is not true. I never had a servant; I am still able to wait on myself. I still have two suits that I bought in World War I; that is a long time ago.

Mr. ROGERS. What I am trying to illustrate is that they still have some virtue and use.

Mr. HOFFMAN. I see some other Congressmen with a red tie or a bow tie or something that was in fashion, and I look at it longingly, but I still stick to the old conservative idea. No, I did not buy a new suit when I came to Congress and this nice one I have on was bought in 1937. I try to use everything until it is used up.

Mr. ROGERS. Of course, the gentleman is quite different. [Laughter.]

Mr. HOFFMAN. I noticed lately, and why I ask Mr. Sikes about the drugs, all these cold remedies, all you have to do is to think you have a cold, and to take one, and you never will have a cold, but shortly thereafter they came out with the statement, the medical profession—I remember when an operation for hernia or appendicitis was such that you had to stay in the hospital a long time, and they came very close to jailing Henry Ford because when he was operated upon he got up and walked around. But now that is standard practice, and the thought was that maybe the fellows who declare this property surplus are going a little too far in throwing away some of this stuff.

Then I would like to know what either of you gentlemen, or both of you, think of this proposition that this property, having been accumulated during the war, and much of it being of value otherwise, the hospitals would not want it with a third world war on now, and being in that war, do you think it is wise to distribute this stuff?

Mr. SIKES. I think it wise to have this legislation, Mr. Hoffman. I believe that by the time the legislation is enacted that we will know more clearly what the prospects are for needing the surplus for a general conflict. Certainly, if a general conflict is imminent, I would not suggest that we distribute anything which might be of value to the Government itself, but I see no objection to enacting the legislation, having the machinery on the books, in the event that we are in position to continue to distribute this material.

Mr. HOFFMAN. But if we have machinery on the books the inclination of those in charge of the departments is to use it always.

Now, I recall very distinctly that some time ago when the armed services or the War Department, at that particular time it was the Army, they had in their contracts, all of their contracts, a clause which set aside a certain percentage of each appropriation—it was not for overhead exactly, it was just a contingent fund they thought might be necessary; and when it was not necessary to use that money, millions of dollars of it, instead of being turned back into the Treasury, were used by the Department, and they had ball grounds, and had tennis courts and golf courses, and all that when, as a matter of fact, they had no authority to use it.

Now, what I am afraid of is——

Mr. SIKES. And should not have used it.

Mr. HOFFMAN. What?

Mr. SIKES. And should not have used it.

Mr. HOFFMAN. Of course they should not. But nothing ever came of it. We just called attention to it, and nothing ever came of it. We did not even slap them on the wrist.

Now, knowing that tendency, and I guess with everyone it is a common characteristic—Mr. Rogers had it there thinking that when he came to Congress he would have new clothes and all, to buy the best, especially if the Government pays for it—and I am a little worried about it.

Mr. ROGERS. Let me strike that from the record, if the Government pays for it, because that was not my idea. [Laughter.]

Mr. HOFFMAN. Not about the suit, but if you were in my situation and had no other income except that which you received from Congress, the Government, of course, indirectly or directly paid for it. [Laughter.]

Mr. HOFFMAN. Do you get my point?

Mr. SIKES. Yes, I get your point.

Mr. HOFFMAN. I dislike very much to encourage any Government official to throw away something that is useful to buy something that is more modern.

Mr. SIKES. I agree with you fully that this Government should not dispose of anything which it needs. It should not buy anything, in the first place, that it does not need, and should get the useful life out of something after it buys it before it is disposed of. But I feel that if we do not enact this legislation, it may be a year before we have an opportunity to come back to this program, and in the meantime, all of us have hospitals or health centers that are handicapped by virtue of the fact that they cannot acquire surplus material. Without this law, the junk dealers buy the property, then they can sell it to the hospitals.

Mr. HOFFMAN. And by the fact that the folks who are connected with the hospital encourage everyone who stubs his toe or gets a blister on his heel, to get up to the hospital right away.

You know nowadays a woman cannot have a baby really in the authorized way unless she gets to the hospital. Of course, I do not take much stock in that, especially in view of the fact that the Chinese and the people in India seem to be breeding a little faster than we can care for them.

Mr. HOLIFIELD. If my colleague will yield, I will point out that under Public Law 152 any agency that has property of any kind in excess of its needs must declare it to the General Services Administrator, and then it is offered to all other Government agencies, and at that time if it is needed for any purpose, war purpose or peacetime purpose, they have the privilege of withdrawing it.

After all agencies have signified their intent as to their withdrawal, and if there is then anything left it becomes surplus, and the law on the books now says that that surplus is available to educational institutions, and the question before us is shall we include also the type of health institutions which are outlined in this language, which was in your bill.

Mr. SIKES. Yes, Mr. Chairman.

Mr. HOLIFIELD. That is the question before us.

Mr. HOFFMAN. I would say "Yes" to that if we were to continue our policy, but in view of the fact that we are now at war, I am questioning the advisability of continuing that policy.

Mr. HOLIFIELD. I realize that.

Mr. HOFFMAN. And extending it.

Mr. HOLIFIELD. Well, we do not have the policy, the complete policy, before us. It is merely whether we shall add this to it or not at the present time.

Mr. HOFFMAN. Well, one way of curtailing, one way of limiting the complete policy is to lop off a little here and there and not extend it.

Mr. HOLIFIELD. That is true, and if the gentleman wishes to oppose it, I know he will.

Mr. HOFFMAN. Yes.

Mr. SIKES. But in the meantime we all would be depriving hospitals of the important help provided in this bill, with which I am sure he is sympathetic; of the opportunity of getting materials which, under the law, will continue to go to other institutions, thereby permanently depriving the hospitals and health centers of the opportunity to get the material.

Mr. HOLIFIELD. Are there other questions?

Mr. HOFFMAN. I would like to see the hospitals rather than the educational institutions have this property.

Mr. SIKES. That is the way the law now reads. The educational institutions are getting it.

Mr. HOFFMAN. That is all right if we are going to continue this policy of disposing of surplus. I was all for that when there was not a war, but this bill does not end that.

Now, on page 8 you are giving the Administrator—look what you are giving to them here, "Whenever and to the extent that the Administrator has been or hereafter may be authorized"—he is authorized in the discharge of his duties to purchase, repair, and clean uniforms



for civilian employees of the General Services Administration—I wonder now, we transferred the postal boys, some of them, who were custodial employees over to the General Services Administration. They yelled about the pay, if you will recall. The schedule of pay was lower, so we tried to take care of that by giving them the higher pay schedule. But the benefits of vacation and leave for medical or for illness, were higher so they in retaining those did not complain about that, and we continued that in force, so they got an increase in the over-all picture.

Now, “purchase, repair, and clean uniforms for civilian employees”—if we are going to do all that, these fellows are going to the dry cleaners and pressers every week. They are going to outshine even the most prominent of our Members in the House and Senate. [Laughter.]

Mr. BOLLING. Will the gentleman yield?

Mr. HOFFMAN. Yes.

Mr. BOLLING. This particular provision has been carried in the appropriation bills for a long time.

Mr. HOFFMAN. Yes; and I am always met with that proposition, that it was in some previous legislation, and my answer is always, you know, boys will steal watermelons, but still that does not make it right.

Mr. BOLLING. Well, our thought in this—at least my thought—is that it is better to have it in substantive legislation than tacked onto appropriation bills for 15 or 20 years.

Mr. HOLIFIELD. Will my colleague withhold discussion on that point until we settle this health provision because we have another Member of Congress waiting to testify on another matter, and we will be glad to give you all the time that is necessary.

Mr. HOFFMAN. Off the record.

(Discussion off the record.)

Mr. HOLIFIELD. Are there any further questions? We are just trying to proceed in an orderly way.

Mr. ROGERS. I am sure that the fairness of the gentleman, which is always characteristic of him ever since he has been in Congress, would be such that he would not see any reason for discriminating in favor of the educational institutions as against the health institutions.

Mr. HOFFMAN. I would discriminate in favor of hospitals. I certainly would because I think that health is just a little bit more important than education, although you cannot get one very much without the other.

Mr. HOLIFIELD. There is one phrase which I would like to question you gentlemen on, in line 18—

Mr. HOFFMAN. I think we ought to get along with the other matter. I think so long as Mr. O'Hara is waiting here, we ought to permit him to testify.

Mr. HOLIFIELD. “Similar institutions providing health care”—it has been suggested that might be too wide, have too wide an interpretation. What did you gentlemen mean by that?

Mr. SIKES. We were simply trying to cover all of the public or non-profit health institutions. If the committee feels the language is too broad I would have no objection to that being stricken.

Mr. ROGERS. Neither would I.



Mr. HOLIFIELD. There has been some objection to that phrase. We will then take that matter up in executive session.

Is there any further question on that point? Mr. Hoffman?

Mr. HOFFMAN. What is that?

Mr. HOLIFIELD. Is there any question on that point?

Mr. HOFFMAN. What is the page?

Mr. HOLIFIELD. Page 6.

Mr. HOFFMAN. Six?

Mr. HOLIFIELD. Yes, line 18, referring to "similar institutions providing health care."

Mr. HOFFMAN. Well, I will tell you, in view of the chairman's remarks, I was going to reserve my remarks for the House floor.

Mr. HOLIFIELD. Thank you. That is all, gentlemen, if there are no further questions.

Mr. O'Hara asked to be put on as expeditiously as possible because of another committee engagement.

Will you please tell us what you wish to testify to, Mr. O'Hara?

Mr. HOFFMAN. What bill is that?

Mr. HOLIFIELD. It is the same bill.

Mr. KENNEDY. Section 306.

Mr. O'HARA. Section 306 of title III.

Mr. HOLIFIELD. What page is that, please?

Mr. KENNEDY. That is the amendment on page 36, and the original section was 306 of the Federal Property Act.

Mr. HOLIFIELD. I see.

Before you testify about that, let Mr. Kennedy bring us up to date on that section, please.

Mr. KENNEDY. Section 306 of the Federal Property Act, Public Law 152, is involved here, that is the section on waiver of liquidated damages. Section 306—I might read for the record and for the benefit of the subcommittee—is:

Whenever any contract made on behalf of the Government by the agency head or by officers authorized by him so to do includes a provision for liquidated damages for delay, the Comptroller General on the recommendation of the agency head is authorized and empowered to remit the whole or any part of such damages as in his discretion may be just and equitable.

The Comptroller General has studied a bill introduced by Mr. O'Hara which would broaden the section 306.

Mr. HOFFMAN. What page is that?

Mr. KENNEDY. That is in Public Law 152; I am reading from it.

The Comptroller General has interpreted this section to apply only to executive agencies and not to the definition of "Federal agencies," carried in the act, with the result that he cannot pass on contracts of a legislative agency in that regard sufficiently.

Secondly, with regard to the Government Printing Office, since it is a legislative arm of the Government, and the idea was to amend this section to give the Comptroller General greater latitude in this respect.

A number of conferences were held by Mr. Elliott of the General Services Administration, Mr. Johnson, Assistant to the Comptroller General, and Congressman O'Hara of Illinois, and the compromise language was devised which is entered on page 36 of the present bill under consideration.

I might read that. It is section 9:

The Federal Property and Administrative Services Act of 1949—

pardon me, I should read section 10 (a) :

Whenever any contract made on behalf of the Government by the head of any Federal agency, or by officers authorized by him to do so, includes a provision for liquidated damages for delay, the Comptroller General upon recommendation of such head is authorized and empowered to remit the whole or any part of such damages as in his discretion may be just and equitable.

(b) Section 306 of the Federal Property and Administrative Services Act of 1949 is hereby repealed and this section shall be effective as of July 1, 1949.

That retroactive date is the date upon which the Federal Property Act, Public Law 152, became operative.

By insertion there of the "Federal agency," they have broadened the entire definition.

Mr. HOLIFIELD. It does two things then: It broadens the scope of the Comptroller's present authority to other Federal agencies, and it makes the law retroactive to July 1, 1949, on such contracts as were in existence or were signed from that date to the present, is that right?

Mr. KENNEDY. Yes, sir.

Mr. HARVEY. Might I ask, Mr. O'Hara, if there is some particular instance in point that motivated this suggestion?

#### STATEMENT OF HON. BARRATT O'HARA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. O'HARA. Yes.

Mr. Chairman and gentlemen of the committee, it was brought to my attention in the case of a printing company in Chicago. The Public Printer in advertising for bids desires to reach many printers and there are smaller printers throughout the country, I understand, bidding on these contracts; some of them for the first time.

This small concern in Chicago put in a bid, the first time it had gone into Government work. There was a delay on the part of the Government of 6 days in delivering copy, and this delay on the Government's part caused a readjustment of the work hours and the jobs in this small printing concern so that there actually resulted a delay in delivery of 35 days. The delay had occasioned no loss to the Government and the fault basically had not been the printer's. But applying the penalty set forth in the contract, this printer would have been penalized about \$9,000, which might have put him out of business and wrecked a very substantial small industry.

Mr. HOFFMAN. Why could it not be that under section 306 of the present law, that the Comptroller General remit that?

Mr. O'HARA. Because that is where the point came up, Mr. Hoffman. After the Public Printer had recommended a remission, it was held that section 306 did not supply.

Mr. HOFFMAN. Why?

Mr. O'HARA. It did not apply to the Government Printing Office because the Government Printing Office is an instrumentality of the Congress, the legislative branch.

Mr. HARVEY. In other words, the definition there was not broad enough to include anything but an executive agency.

Mr. O'HARA. Yes.

Mr. HARVEY. I see.

Mr. HOFFMAN. "By the agency head or by officers," because the Government agency was not——

Mr. KENNEDY. The Comptroller General interpreted the words "agency head" to be a restriction rather than a more comprehensive view, and so he necessarily limited it to "executive" and, therefore, being "executive" under the act, it only applied to the executive branch of the Government, leaving out the Government Printer who is really also a legislative agent of the Government.

Mr. HARVEY. Government Printing Office is not an executive agency.

Mr. HOLIFIELD. That is right.

Mr. HOFFMAN. You added then——

Mr. KENNEDY. We inserted the words "Federal agency," which, under the act, includes legislative.

Mr. HOFFMAN. "On behalf of the Government by the head of any Federal agency."

Mr. HOLIFIELD. The change is in the word "Federal."

Mr. HARVEY. Instead of saying "by the agency head," we say "any Federal agency."

Mr. BOLLING. Mr. Hoffman, on page 35 of this committee print there is defined the term "Federal agency" which is included for a specific purpose. It is on line 3 of page 35. I think that is the point at issue.

Mr. HARVEY. I remember we had a great deal of discussion over that definition.

Mr. HOLIFIELD. This is really to make the Federal Property Act as originally passed comply in this particular to our definition of "Federal agency" in this amendment.

Mr. HARVEY. As a matter of fact, that was an oversight on our part. We went through this in trying to get it in in every instance, and we just neglected to put that word "Federal" in that section 306. It was simply an omission on our part; I thought we skimmed through the thing enough times and should have caught it, but that is exactly, as I see it, what has happened.

Mr. HOLIFIELD. Mr. O'Hara, do you have a prepared statement or do you just wish to approve our change on this?

Mr. O'HARA. Yes, that is all, Mr. Chairman.

I might say that under the date of March 24, 1950, in this case the Comptroller General in a letter to this printer stated:

The only extension permitted by contract was given by the recommendation for the remission of liquidated damages under the Administrative Services Act of 1949, which provides—

And so forth.

Then, the Comptroller General added:

It long has been recognized that the Government Printing Office has been under the legislative branch of the Government. In view thereof and of the definition of "agency head" contained in section 309(a) of the act, it must be concluded that the Comptroller General is not authorized to remit the liquidated damages pursuant to section 306 on the basis of the Public Printer's recommendation.

Mr. HARVEY. Yes, I understand it.

Mr. HOLIFIELD. Are there any further questions on this point?

Mr. HOFFMAN. Of course, that definition of legislative branch of the Government——

Mr. HARVEY. That is the definition you referred to, Congressman.

Mr. HOFFMAN. Yes; but this one you referred to here refers to the legislative branch.



Mr. KENNEDY. That does not apply to that title. In that title section 309 is controlling.

Mr. HARVEY. When we went through this bill we had to do a lot of corrections, and in many places we insisted that they insert the word "Federal" in front of "agency," and in drafting the bill, every place where it was necessary we inserted the word "Federal," so it would conform to this definition. But that, in this instance, section 306, we failed to catch, and failed to put the word "Federal" in there.

Mr. HOLIFIELD. It is merely a technical correction to make it conform with the rest of the act.

Mr. HARVEY. That is right.

Mr. HOLIFIELD. Is there anything else?

Mr. O'HARA. Thank you very much, gentlemen and members of the committee.

Mr. HOLIFIELD. Is there someone here this morning from the public-health section of FSA? We would like to have you take the stand at this time and identify yourself and give us your views.

Mr. LUND. Do you want the representative of the Agency or the Public Health Service first?

Mr. HOLIFIELD. The representative of the Agency, please.

Will you identify yourself to the reporter?

#### STATEMENT OF CHESTER B. LUND, DIRECTOR, OFFICE OF FIELD SERVICES, FEDERAL SECURITY AGENCY

Mr. LUND. I am Chester B. Lund, Director of Field Services for the Agency.

Mr. Chairman, I have a very brief statement that I would like to present.

Mr. HOLIFIELD. You may proceed.

Mr. LUND. We appreciate the opportunity of presenting our views on this proposed amendment. We are concerned primarily with paragraphs 1 and 2 of section 203 which, as has already been expressed, is merely the extension of the Surplus Property Act provisions now benefiting education to be extended to the Public Health Service.

The proposed amendment would make it possible to increase the utilization for public-health purposes of property which has been purchased from public funds.

The past experience in administering the educational and public health provisions of the Surplus Property Act, Public Law 152, I believe, has demonstrated that a vast amount of surplus property can be utilized effectively for educational and public-health purposes.

Currently we distribute or assign, in cooperation with the General Services Administration, real property to tax-free public-health organizations both personal and real property, through the Office of Education, to educational institutions.

We feel that it would be advantageous to add personal property distribution responsibility to the Public Health Service.

The transfer of this property, if expanded to educational and public-health agencies, we think, can be effected at a saving to the taxpayer because it eliminates expensive advertising, reduces warehousing, reduces custodial service and many other costs.

The proposed amendment, in effect, authorizes the donation of surplus hospital equipment and supplies to public and other nonprofit



hospitals which are eligible for Federal grant funds under the Hill-Burton Act.

It would aid many communities which now have received assistance under the hospital construction program, but more particularly, I feel, it would aid those units that we have heretofore been unable to aid in the small rural communities where the need is even greater.

It is my conviction that hospitals and health centers would benefit from these surpluses.

Over the period of time that this program has been in operation there has been an accumulation of the type of property that is not used by university medical schools and other units that could very readily be transferred to small community facilities, small community hospitals, and which meet an unmet need.

Mr. HARVEY. Might I interrupt right there to ask a question?

Mr. LUND. Surely.

Mr. HARVEY. From what sources do such material become surplusage?

Mr. LUND. There are many sources. We have not had very much to date from the Veterans' Administration. There are some left-over old war surpluses from the Army, Navy, Air Corps, and other public agencies, which are engaged in medical care.

For example, we could secure such surplus equipment from veterans and marine hospitals.

Mr. HARVEY. What type material would it be?

Mr. LUND. There are many types of material. For example, in some of the warehouses that I have recently visited, there is a great deal of medication available. There are bushels of vitamin capsules that could be put into a hospital for use.

Mr. HARVEY. Would they still be good?

Mr. LUND. We would test them before we ever made any distribution.

Mr. HARVEY. Do they constitute surgical supplies, such as operating tables and things of that nature?

Mr. LUND. Yes, sir; they do. There are a number of operating tables, floodlights for operating rooms, wheel chairs, hospital beds, and some surgical instruments.

In addition, there are such items, as has been referred to by the Congressman from Florida, as maintenance supplies and equipment. There are turbines available that might be installed in hospitals as stand-by equipment in case of failure of power or national disaster. This type of equipment would have little, if any, value for a current operation but I think we could say that it would meet emergency requirements. These items are made available largely through obsolescence.

Probably I could be more specific by citing an X-ray machine, as an example. We have a number of X-ray machines that would be adaptable to a small community hospital that certainly would not be of any value in a large hospital where they take many X-rays, develop the film, and need to have the reading within a very few minutes. The old type machine is slow, but still has real value in a small community or in a medical center.

Does that answer your question, sir?

Mr. HARVEY. Yes. I think that is exactly the information I was wanting.

Mr. LUND. I think it is only fair to the committee to point out that, as we have tried to view this situation, we have learned that there are a number of school people who object to this proposal. They feel that his program, because more is being done in some areas for the public-health front, would cause inroads to be made upon the quantity of supplies that they would receive. I think that is a natural outgrowth of their protective desire to meet their own unmet needs.

Mr. HOLIFIELD. I understand they have withdrawn something like a hundred million dollars worth of surplus property in acquisition costs under this program, the educational people.

Mr. LUND. It is considerably in excess of that. I am sorry I do not have the exact figure. For example, in the month of May alone we distributed to the schools of this country, and possessions, based upon acquisition cost, supplies worth approximately \$12,000,000. We do not feel that we can—I am speaking now of the Administration's point of view—permit that particular interest to give way to the general public good.

Mr. HARVEY. Now, would there be competing items—I am trying to get at the source of what objection there might be; that if they might have been motivated by the thought that there were items educational agencies would get that they might not otherwise get, if you see what I am driving at.

Mr. LUND. That is correct. There is a limited area of competitive items. For example, such things are competitive as desks, tables, and general maintenance equipment.

Mr. HARVEY. Housekeeping facilities.

Mr. LUND. Yes. I reviewing the problem we have gone back to General Services Administration, formerly WAA, to ascertain what their problems were in this competitive area, and we think that the items relating to hospitals could primarily be handled through administrative devices, so that the area of competition could be reduced.

When WAA had this program, approximately 20 percent of the surpluses went into the hospitals as compared with 80 percent to educational institutions. It is our contention, however, that in view of the increasing volume of surplus property, that the school program would not be reduced, that the added sources from which we would secure hospital supplies would so increase the total volume that it would have little net effect upon the school program.

Mr. HOLIFIELD. Of course, as a matter of equity, they are both public tax-supported institutions, and certainly they both should have an opportunity to obtain the material which is fitted for their purpose.

Mr. LUND. That is correct.

Mr. HOLIFIELD. And, as a matter of justice, I think a Member of Congress has to consider not only the educational phase of it but also the health phase of it.

Mr. LUND. Definitely.

Mr. HOLIFIELD. So, I see no reason why they should take the position very strongly, and I do not think they feel justified in taking it very strongly, that having had access to all this material over the past years that they should now stand in the way of other tax-supported institutions getting at least a chance to have the administrative determination made as to whether their need is greater or equal to the educational need.

Mr. LUND. That is correct.

The position of our agency is that in spite of that opposition we must favor the proposal. The reason I raised the question was that we felt, in fairness to this committee, that we should present all the facts. Because we believe this proposal to be in the interest of the general public welfare and because of the service that it will render to people throughout the Nation, we recommend its approval by your committee.

I further wish to extend consideration to the urgent needs in small communities and rural areas, and the potential of the situation in which we find ourselves today, we believe that it is definitely to the advantage of the public interest.

Mr. BOLLING. I would like to establish, just for the record, the length of the head start that public education has had over public health in being able to take advantage of the surplus property. What is the chronological history; what is the advantage of time when they would take advantage and the public health could not?

Mr. LUND. I am sorry, I do not feel that I am qualified to give you a very good answer.

Mr. HOLIFIELD. Would it not be fair to say that the element of advantage would be from the Seventy-ninth Congress on, when the original language which allowed them this privilege was not included in subsequent legislation?

Mr. LUND. Right. That, in principle, I would agree to.

One other fact that I might call to your attention is that we have serviced universities and schools, medical schools, now through the educational program. There is a backlog in warehouses of much of this equipment that educational institutions cannot use, so that there exists a small backlog which will pick up the lag period.

Mr. BOLLING. My point was essentially addressed to those items in which the two groups might be in competition for the use of the property.

Mr. LUND. Dr. Cronin, who heads up the hospital unit for the Public Health Service, is here, and I am sure that he could amplify my statements. I have tried to approach it from the administrative point of view, and as we see the current need is.

I am sure that Dr. Cronin has a wealth of information on the specific need if you are interested in that.

Mr. HOLIFIELD. Before you leave the stand, you are familiar with the provision in line 18, page 6, of "or similar institutions providing health care"—do you wish to comment on that?

Mr. LUND. I would like, if I may, to get an interpretation of it. That is one area that we have worried a little about. Does it mean all institutions giving care? That is why I made the limiting statement, "Under the Hill-Burton Act"—I made that statement so that we would have a specific provision to relate to. I feel that the present language is a little broad.

Mr. HOLIFIELD. That particular phrase could be stricken without any injury to the legislation?

Mr. LUND. I think it would facilitate the administration.

Mr. HOLIFIELD (continuing). Fairness of allocation between educational and health institutions.

Mr. LUND. I think so.

Mr. HARVEY. You possibly think it would leave your administration of the act in a more tenable position?



Mr. LUND. Yes, I think so. I am afraid that under the present language almost any institution would be eligible or might have a claim. I am concerned about that phraseology.

Mr. HARVEY. It is pretty broad.

Mr. HOLIFIELD. Thank you, sir.

I think that Dr. Cronin should possibly take the stand now. Time is pressing, Dr. Cronin, so please proceed.

### STATEMENT OF DR. JOHN W. CRONIN, CHIEF, DIVISION OF HOSPITAL FACILITIES, PUBLIC HEALTH SERVICE

Dr. CRONIN. Mr. Chairman, my statement is very brief, and for the reporter's sake, I am Dr. John W. Cronin, Chief, Division of Hospital Facilities, Public Health Service.

Mr. Chairman and members of the committee, I think all of you are aware of the fact that hospitals and medical institutions throughout the country are experiencing a great difficulty in meeting maintenance and operation expenses. The procurement of equipment from surplus stocks by such institutions would be of great assistance to them in the operation of their program.

We are presently in the process of making transfers of real property which are authorized under Public Law 152 of the Eighty-first Congress. Many of these installations are installations where the equipment has been removed by the owning agency and sent to warehouses.

It is, therefore, sometimes extremely difficult to dispose of the real property since many of the communities are unable even though they have the land and buildings at public benefit allowance, to properly equip the institutions after they receive them.

In addition, we have had numerous requests for assistance from various public health institutions throughout the country to help them procure surplus property but, at the present time, we are unable to render any aid in this connection because of the limitations of the current law.

If this legislation is enacted, the Public Health Service could render assistance in matters of this kind pertaining to donable equipment. Furthermore, in view of the present emergency, it is highly desirable to utilize surplus equipment for emergency treatment centers, and the equitable distribution throughout the country is very important.

I believe it is in the public interest for this legislation to be enacted because medical equipment, supplies, and the like are in great demand, and can do a great deal of good if properly distributed where needed most. That completes my prepared statement.

There is one other statement I would like to make in reference to the question you asked Mr. Lund on the "similar institution" phraseology.

Mr. HOLIFIELD. Yes.

Dr. CRONIN. We would not like to see blocked out such medical institutions as clinics and I think that they would be included under "similar institutions."

You have here in line 17 "tax-supported medical institutions, hospitals, or similar institutions providing health care."

Mr. HOLIFIELD. Why don't we just say "clinics," then?

Dr. CRONIN. I think it would be advisable rather than to completely eliminate that type of health facility.



Mr. HARVEY. You would say substitute the word "clinics" in place of "similar institutions"?

Dr. CRONIN. I would say "clinics and health centers."

Mr. BOLLING. "Tax-supported clinics, health centers."

Dr. CRONIN. Yes.

Mr. HOLIFIELD. We will just put a comma, and then put "clinics"—

Dr. CRONIN. And "health centers."

Mr. BOLLING. "Health centers."

Dr. CRONIN. In the Hill-Burton Act, I think it is referred to as "related health institutions." I think that is broad language; but here by eliminating, if that is the will of the Congress, the "similar institutions" phraseology, you are penalizing the tax-supported clinics and health centers of which there are many throughout the country.

Mr. BOLLING. Would that series of words "clinical institutions, health centers," and so forth, cover the field?

Dr. CRONIN. I think that would; yes, sir.

Mr. HOLIFIELD. May I ask this: In the use of "tax-supported medical institutions," do you include in that mental institutions?

Dr. CRONIN. Certain kinds of mental institutions under the Hill-Burton Act are included; some are excluded. Mental institutions for feeble-minded are not included in the Hill-Burton Act.

In this particular reference here I would see no objection to including mental institutions.

Mr. HOLIFIELD. So long as they are tax-supported.

Dr. CRONIN. So long as they are tax-supported, and most of them are.

Mr. HOLIFIELD. Yes.

Mr. CRONIN. Most of them.

Mr. HARVEY. Couldn't you, if you wanted to, include them—and I have no objection—couldn't you say there on line 20, Mr. Chairman, "other nonprofit medical or mental institutions"? Substitute the words "or mental" before the word "institutions"?

Mr. BOLLING. Is not "mental" included in "medical"?

Dr. CRONIN. It is.

Mr. HOLIFIELD. You think it should go in above that, to read "Administrator of general services to tax-supported medical and mental institutions, hospitals," and so forth, and go on there?

Mr. BOLLING. Unless I misunderstood the language, I thought it included mental and a great many other things, and if we are going to get involved in the use of the word "mental", we will have to use a lot of other words, which I do not remember offhand.

Dr. CRONIN. You will have to include TB and others.

Mr. HOLIFIELD. I think we should let it be.

Mr. HARVEY. I am not insisting that you put it in.

Dr. CRONIN. It is included under "medical institutions." It is a generic term; it includes all that.

Mr. HOLIFIELD. So far as I am concerned, I would say that a mental institution would be included in the words "medical institution," and that would be my feeling.

Dr. CRONIN. That is the legal interpretation.

Mr. HOLIFIELD. Without any definition.

Dr. CRONIN. The legal interpretation would include "mental" under "medical".

Mr. HOLIFIELD. We do not want to become so specific that we put a limiting provision in there.

Is there any further question of Dr. Cronin? Thank you, Doctor, for your appearance.

Dr. CRONIN. Thank you.

Mr. HOLIFIELD. Is there anyone else from the Federal Security Agency?

Mr. LUND. No, sir, there is not, unless you have some other questions that you would like to ask.

Mr. HOLIFIELD. Mr. Lund, you spoke chiefly from the administrative standpoint?

Mr. LUND. That is correct, sir.

Mr. HOLIFIELD. And, Dr. Cronin, you spoke from the standpoint of the needs of the Public Health Service?

Dr. CRONIN. And current operations. You see, we are administering the real property side of health, of hospitals and related institutions, and water installations, like dams and sewer systems, and those all come under the health program. It is part of my responsibility to operate that phase of it.

It correlates and coordinates very closely with the hospital survey and construction program of which I am also in charge because they go hand in hand.

Mr. HOLIFIELD. Your work is broad enough so that it takes into consideration special sanitation work of the Public Health Service?

Dr. CRONIN. No, sir. My job is to head up the administration and carrying on of the Hill-Burton program, which is Public Law 725 of the seventy-ninth Congress, in that we are producing the building of many small hospitals throughout the country, and adding to the large hospitals.

Mr. HOLIFIELD. It is under the Federal grant-in-aid to the States.

Dr. CRONIN. That is right. Real property comes into the picture because a community under a State might want to develop a hospital, and there may be located in that community real property which was a surplus hospital, and it is normal in the interest of economy in government, and so on, to say to that community, "Have you considered the possibility of using this surplus property in your community rather than coming in for additional Federal funds to start a brand-new institution in your community despite the fact that you have a hospital in your community that can be used, but it is surplus?"

So, there is a coordination there, and an interlocking between the national hospital and survey construction program, and the surplus property program in the areas of health, and that is my responsibility.

Mr. HOLIFIELD. Are there any further questions on that point?

Thank you, Dr. Cronin.

Mr. LUND. We appreciate your courtesy.

Mr. HOLIFIELD. Gentlemen of the committee, during our various hearings different changes in language have been suggested throughout the bill, and our staff and Mr. Elliott and Mr. Greene have co-operated in writing these changes according to committee directions, and some changes, particularly in view of and in regard to section 109, have been made as the result of a series of conferences with the Appropriations Committee, and Mr. Elliott now will speak on that subject, please.

**FURTHER STATEMENT OF MAXWELL H. ELLIOTT, GENERAL COUNSEL, ACCOMPANIED BY ALBERT H. GREENE, ASSISTANT GENERAL COUNSEL, GENERAL SERVICES ADMINISTRATION**

Mr. ELLIOTT. Yes, sir.

In view of the testimony and of the request that we had made for congressional authorization of a procedure providing for automatic increases in the general supply fund, Mr. Larson asked if I would explain to this committee what the current situation was.

As Comptroller General and the Bureau of the Budget have testified, the automatic increase is technically an appropriation; we felt therefore, it probably would be subject to a point of order, and we are informed the Appropriations Committee felt very definitely that was the case.

As a result, we desire to withdraw our request for that automatic increase procedure, so that further accretions to the general supply fund would come through the Appropriations Committee for appropriations in the regular way.

I might say that we have had conferences with the Bureau of the Budget as well as the Appropriations Committee, and on Tuesday of this week we forwarded to the Bureau of the Budget a supplemental estimate for an increase in the general supply fund which would be for the entire amount as an appropriation. The present act authorizes a ceiling for the supply fund of \$75,000,000. We presently have \$14,000,000. The requested increase would then provide for an appropriation of \$61,000,000, upon the condition, however, that if appropriated, only \$26,000,000 to be made available to us at the present time, and the balance would be made available from time to time upon statements submitted by the Administrator to the Director of the Bureau of the Budget, and approved by him.

The Bureau of the Budget has not taken final action on it, and I do not believe that I can commit them, but certainly in informal conversations with us at the time of the hearing they indicated that they were prepared to go along with that plan and to submit it to the Congress as a supplemental estimate.

Mr. BOLLING. I want to be sure I understand, that is, \$26,000,000 additional?

Mr. ELLIOTT. That is in addition to the \$14,000,000 we now have; yes, sir.

Mr. HOLIFIELD. So that it would be a \$40,000,000 total in the place of the \$14,000,000?

Mr. ELLIOTT. That we now have.

Mr. HOLIFIELD. And that would be taken care of in the regular way through the Appropriations Committee.

Mr. ELLIOTT. Yes, sir.

Mr. HARVEY. From your discussion at our previous hearing, I am inclined to think that that sum would not seriously handicap you, would it?

Mr. ELLIOTT. No, it would not, sir. That is what we estimate is our current need, and under the arrangement if Congress does agree to it, the entire amount, that is, including the additional \$25,000,000, would be appropriated at this time, but would not be made available to us



until such time and from time to time as we demonstrated to the Bureau of the Budget that we had a genuine need for it.

Mr. BOLLING. \$35,000,000.

Mr. ELLIOTT. Excuse me, \$35,000,000, instead of \$25,000,000.

Mr. HOLIFIELD. I think it is a reasonable solution of this question, and when the time comes that it needs further consideration it can be considered at that time.

Mr. ELLIOTT. I would like to say, sir that the reason that we had asked for the other procedure is the fact that over the last several years, at least—I do not have any records prior to 1947—but since 1947 the then Bureau of Federal Supply had not been very successful in obtaining approval either of the Budget Bureau or of the Congress to increases in the general supply fund.

I have a short tabulation here which shows actually what the action has been, the requests and the action taken over the past 4 years.

For instance, in 1948 there was requested a \$3,000,000 increase from the Bureau of the Budget. The Bureau of the Budget allowed only \$2,000,000 and that was denied by the Congress.

In 1949 they requested, and the Budget Bureau approved, \$10,000,000. It ultimately came out from the Congress as \$1,600,000.

In 1950—these are all fiscal years I am talking about—the then Bureau of Federal Supply asked for \$7,000,000 from the Bureau of the Budget; the amount forwarded to Congress was \$4,000,000, and the amount allowed was \$479,000; and this year there was requested and approved by the Budget Bureau and approved by both the House and Senate Appropriations Committees, the amount of \$4,000,000 increase.

So, except for 1951, the current year, in the three preceding years, either the Bureau of the Budget or the Congress, or both, cut down the request, in view of the interest of this committee in the course of hearings on this bill, we feel that there has been enough general enlightenment on the situation so that, perhaps, there would be better treatment through regular appropriation channels.

Mr. HOLIFIELD. I suggest now that we rapidly go through the bill then and take these changes which you and the staff have worked out. Have these been checked carefully?

Mr. ELLIOTT. I have checked them, sir; I mean we worked them out with counsel and staff of the committee, and we checked them against the hearings.

Mr. GREENE. That is right.

Mr. HOLIFIELD. Off the record.

(Discussion off the record.)

(The following letters and statements were received by the committee:)

NATIONAL RECORDS MANAGEMENT COUNCIL,  
New York City 1, July 14, 1950.

Representative CHET HOLIFIELD,

*Chairman, Subcommittee on Executive and Legislative*

*Reorganization, House Committee on Expenditures in the Executive Departments, House of Representatives, Washington, D. C.*

MY DEAR REPRESENTATIVE HOLIFIELD: As director of the Hoover Commission's task force on records management and author of its report, I am very much interested in H. R. 9129, currently under consideration by your subcommittee.

I have carefully reviewed H. R. 9129 and compared it with the letter and spirit



of our recommendations for the Hoover Commission. It is gratifying to find that your bill is wholly consistent with our recommendations.

You and your colleagues on the subcommittee are to be commended by all records management specialists, your constituents, and the general public for the excellent progress you have made toward slashing red tape and clerical costs in the Federal Government. At the same time, you are insuring greater effectiveness of records as tools of Federal management and service.

It is significant that your action promises to forge the Federal Government far ahead of both private business and State and local governments in the improvement and reduction of clerical operations including record making and record keeping.

We trust that you and your colleagues will not relent in your efforts to achieve these excellent objectives during the present session of Congress.

Cordially yours,

EMMETT J. LEAHY,  
*Executive Director.*

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COMPTROLLER GENERAL OF THE UNITED STATES,  
*Washington 25, July 14, 1950.*

MR. THOMAS A. KENNEDY,  
*Counsel, Committee on Expenditures in the  
Executive Departments, House of Representatives.*

DEAR MR. KENNEDY: In connection with the Comptroller General's letter of today to Hon. Herbert C. Bonner (B-92102) relative to the public health provisions of the Federal records management bill, I think Mr. Bonner will be interested in the language of Public Law 134, Seventy-eighth Congress, which was for a similar purpose. The particular language is in title II of that act (57 Stat. 49), as follows:

"Notwithstanding the provisions of the Act of December 23, 1941 (Public Law 371), the Federal Security Administrator is authorized, during the fiscal year 1944, to dispose of any camp buildings, no longer needed for Civilian Conservation Corps purposes, and housekeeping and camp maintenance equipment necessary in connection therewith, by transfer with or without reimbursement, to other Federal agencies or, upon such terms as he may prescribe to any State, county, municipality, or nonprofit organization for the promotion of conservation, education, recreation, or health: *Provided*, That, in the case of buildings located on land owned by the United States, any such disposition shall be subject to the approval of the agency of the United States having jurisdiction of such lands: *And provided further*, That such buildings and equipment shall first be tendered to the War Department and Navy Department for use in prosecution of the war, or the Civil Aeronautics Administration, which Departments or agency shall have sixty days from the date of notification of availability of such buildings and equipment to accept such tender."

Sincerely yours,

C. E. JOHNSON;  
*Legislative Attorney,  
Office of Assistant to the Comptroller General.*

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COMPTROLLER GENERAL OF THE UNITED STATES,  
*Washington, July 14, 1950.*

HON. HERBERT C. BONNER,  
*Chairman, Subcommittee on Intergovernmental Relations,  
Committee on Expenditures in the Executive Departments,  
House of Representatives.*

MY DEAR MR. CHAIRMAN: Reference is made to your recent informal request for an expression of my views as to the feasibility of requiring payment by public health and educational institutions for surplus property obtained by such institutions from the Federal Government.

It is understood that the question of requiring such payments has arisen in the consideration of such bills as S. 3781, S. 3842, H. R. 6566, and H. R. 6634, each of which proposes to amend paragraphs (1) and (2) of section 203 (j) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 386. As presently constituted, said paragraphs authorize the Administrator of General

Services to donate to tax-supported school systems, schools, colleges, and universities which have been held exempt from taxation, for educational purposes in the States, Territories, and possessions, such equipment, materials, books, or other supplies under the control of any executive agency as shall have been determined to be surplus and to be usable and necessary for educational purposes, or to donate such property to State departments of education or other designated State agencies for distribution to schools, etc.

The subject bills would amend the said paragraphs (1) and (2) so as to authorize donation of surplus property for "public health purposes, including research," as well as for educational purposes, to medical institutions, hospitals, or similar institutions, and to school systems, schools, colleges, and universities such as specified in the present law. By letter B-92102 dated January 25, 1950, I informed the chairman of the Committee on Expenditures in the Executive Departments that while this office had no special information as to the need or desirability of the legislation proposed by H. R. 6566 and H. R. 6634, it appeared meritorious, and that this office offered no objection to favorable consideration thereof.

The underlying reason for the enactment of legislation authorizing the donation of surplus property for educational and public health purposes undoubtedly is the benefit to the general public welfare which may be expected to result therefrom. If educational and public health institutions were required to pay to the Federal Government the full value of surplus property received by them, or any substantial percentage of its full value, it would appear that the very purpose of the legislation well might be defeated. The suggestion is understood to have been made, however, that the institutions receiving such property might be required to make token payments therefor, through means of a special discount on fair value or otherwise.

So far as concerns the granting of a special discount to recipient institutions, I am inclined to the belief that the revenue derived thereby would be more than offset by the additional administrative cost to the Government of determining the fair value of the property, which would be necessary before the discount could be applied, and of consummating sales on that basis. A somewhat similar procedure was utilized by the War Assets Administration under section 13 (a) of the Surplus Property Act of 1944 (58 Stat. 770), which provided for a "public benefit allowance" to certain purchasers of surplus property, including educational and public-health institutions. It is understood that the practice followed was to allow such institutions a 95-percent discount on fair value, the 5 percent charged being intended to cover the costs of handling the disposal of the property. It is my understanding that this procedure resulted in many complaints and considerable expense to the Government. Under section 203 (j) of the Federal Property and Administrative Services Act of 1949 substantially the same revenue is derived by requiring educational institutions to pay for the costs of care and handling of surplus property received by them, and this requirement is continued in the proposed amendments to that section.

In view of the above-discussed unfavorable experience with the special-discount procedure, it is my belief that the provisions of the proposed legislation, requiring payment only of the costs of care and handling of donated surplus property, are more desirable both from the standpoint of public benefit and lower cost to the Government.

Sincerely yours,

LINDSAY C. WARREN,  
*Comptroller General of the United States.*

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CITIZENS COMMITTEE FOR THE HOOVER REPORT,  
*Washington 5, D. C., July 18, 1950.*

HON. CHET HOLIFIELD,  
*House of Representatives,*  
*Washington 25, D. C.*

DEAR MR. HOLIFIELD: At the oral request of Congressman Bolling, I herewith submit the position of the Citizens Committee on H. R. 9129, the Federal Records Act of 1950, to you as chairman of the Subcommittee on Executive and Legislative Reorganization of the House Expenditures Committee.

The records Management Task Force of the Hoover Commission made the first extensive and balanced appraisal of the massive record-making and record-keeping operations of the Federal Government. The recommendations of the

task force, which were accepted by the Hoover Commission, provided the only practical and operationally sound organization and procedures to:

1. Consolidate and reduce the records centers and masses of useless and uncoordinated files now in existence, at the same time broadening the services of records centers to assist all departments and agencies.

2. Coordinate the management of the great quantities of records in Federal records centers with the objectives and requirements of the National Archives.

3. Develop and sponsor a Governmentwide program for improvements and economies in records management.

The Eighty-First Congress favored these recommendations by embodying certain major proposals in Public Law 152, creating the General Services Administration. The executive branch has exerted great energies in carrying out the provisions of that law.

The Federal Records Act of 1950, H. R. 9129, amending Public Law 152, embodies those remaining records management recommendations of the Hoover Commission and its task force not already effected by law or Executive action. In the opinion of the chairman of the Records Management Task Force, Mr. Emmett J. Leahy, H. R. 9129 would empower the General Services Administrator with the required authority to effect and realize the savings and economies in the field of records management envisaged by the Hoover Commission and its task force.

The Citizens Committee for the Hoover Report endorses H. R. 9129 as carrying out the specific recommendations of the Hoover Commission for effective and efficient records management in the Federal Government. The Citizens Committee urges passage of this bill, noting that its enactment would mark the complete acceptance of the Hoover Commission recommendations in this important field.

Faithfully yours,

ROBERT L. L. McCORMICK.

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CITIZENS COMMITTEE FOR THE HOOVER REPORT,  
CITIZENS COMMITTEE FOR REORGANIZATION OF THE  
EXECUTIVE BRANCH OF THE GOVERNMENT,  
Washington 5, D. C., July 21, 1950.

HON. CHET HOLIFIELD,

*Chairman, Executive and Legislative Reorganization Subcommittee  
of the Committee on Expenditures in the Executive Departments,  
House of Representatives, Washington 25, D. C.*

MY DEAR MR. HOLIFIELD: The Citizens Committee for the Hoover Report has followed with interest the work of your committee resulting in H. R. 9129 (S. 3842). This committee, in following the progress of this bill, has worked closely with Emmett J. Leahy, executive director of the National Records Management Council, who directed the Hoover Commission's task force on records management in the Federal Government. We find that H. R. 9129 is fully consistent with the recommendations of the Hoover Commission. It is a pleasure, therefore, to assure you, on behalf of the Citizens Committee, of our complete endorsement of this bill.

The majority of the recommendations of the Hoover Commission and its task force on records management have been accepted by the President and the Congress. These Presidential and congressional enactments have been suitably implemented by the essential appropriations. The bill now being presented to the Congress by your committee, if acted upon favorably by the Congress, will represent a 100-percent adoption of the letter as well as the spirit of the Hoover Commission's recommendations in the important field of Federal records management.

Complete adoption of the Hoover Commission's records management program slashes the immense clerical costs and red tape in the Federal Government. At the same time, it guarantees effective record making and record keeping as essential tools of management and as a service to the people by the Federal Government.

To this end, we should like to urge you to exert every effort to have the Congress accept your recommendations in this important field at this session of Congress.

Sincerely yours,

CHARLES B. COATES.



GENERAL SERVICES ADMINISTRATION,  
Washington, July 18, 1950.

HON. CHET HOLIFIELD,  
Chairman, Executive and Legislative Reorganization Subcommittee,  
House of Representatives,  
Washington 25, D. C.

DEAR MR. HOLIFIELD: Reference is made to the discussion had in subcommittee hearing held July 14, 1950 relative to H. R. — (committee print), June 27, 1950, entitled "A bill to amend the Federal Property and Administrative Services Act of 1949, and for other purposes."

In connection with subdivision (1) of section 210 (a) of the proposed legislation, the following information is submitted:

1. General Services Administration's authority to provide uniforms for guards and elevator operators in buildings in Metropolitan Washington dates back to the 1928 appropriation for operation and maintenance of buildings in the area. The authority has been continued annually in appropriations since that date.

2. General Services Administration's authority to provide uniforms for guards and elevator operators in field buildings dates back to the 1945 appropriation for operation and maintenance of the buildings. The authority has been continued annually in appropriations since that date.

3. Authority includes purchase, repair, and cleaning.

4. Number of employees uniformed:

Guards and officers-----	3,000
Elevator operators and supervisors-----	1,500

5. Of the 3,000 guards and officers about 90 percent, or 2,600, are in grade CPC-4 with an average salary of about \$2,690 per annum.

6. Of the 1,500 elevator operators and supervisors about 90 percent, or 1,350, are in grade CPC-2, with an average salary of about \$2,330 per annum.

7. Number of uniforms per employee: Guards, two coats, two pairs trousers, one cap; elevator operators (male), two coats, two pairs trousers; (female), two jackets (winter), two shirts (winter), six blouses (winter), three dresses (summer).

8. Cleaning of uniforms: Guards, 12 cleanings per year; elevator operators (male), 12 cleanings per year; (female), 10 cleanings of jackets and skirts per season), 3 blouses a week are worn in the winter, 2 dresses a week are worn in the summer.

9. Annual cost of uniforming: Guards, \$34 per year; elevator operators (male), \$28 per year, (female), \$82 per year.

Sincerely yours,

JESS LARSON, Administrator.

EXECUTIVE OFFICE OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
Washington 25, D. C., July 21, 1950.

HON. WILLIAM L. DAWSON,  
Chairman, Committee on Expenditures in the Executive Departments,  
House of Representatives,  
New House Office Building, Washington 25, D. C.

MY DEAR MR. DAWSON: This is in reply to your request for the views of this office with respect to H. R. 9129, a bill to amend the Federal Property and Administrative Services Act of 1949, and for other purposes.

This measure is a substitute for H. R. 6315, H. R. 6566, H. R. 7545, H. R. 8353, H. R. 8416, and H. R. 8890, and has as its primary objective the establishment of an adequate records management program in the Federal Government.

Other amendments to the Federal Property and Administrative Services Act of 1949 contained in this bill will—

1. Make the General Supply fund available for the procurement of additional common use printed items not stocked by the Superintendent of Documents, and eliminate the surcharge now levied on agencies making purchase from the Federal Supply Service.

2. Enact into substantive law numerous provisions dealing with the maintenance, operation, and protection of public buildings which have been included in the annual appropriation acts.



3. Provide for donations of surplus personal property to States for public-health purposes, as well as for educational purposes, as now authorized by the Federal Property and Administrative Services Act of 1949. Under that act both the educational and public-health organizations are eligible for donations of surplus real property.

4. Extend to the field service of Federal agencies the requirement of identification of motor vehicles acquired and used for official purposes. Under the present law (sec. 4 of the act of February 3, 1905, 33 Stat. 687, as amended by the act of August 2, 1946, 60 Stat. 811, 5 U. S. C. 77) identification is required only of motor vehicles acquired and used for official purposes in the departmental service in the District of Columbia.

5. Enact into substantive law, on a continuing basis, the principles of Reorganization Plan No. 18, dealing with the transfer to the Administrator of the General Services Administration the control and custody of office buildings owned by the United States.

6. Amend section 306 of the Federal Property and Administrative Services Act of 1949, entitled "Waiver of Liquidated Damages," to extend its provisions to cover all Federal agencies.

The Bureau of the Budget is in accord with the principles of H. R. 9129 and recommends its enactment.

Sincerely yours,

ELMER B. STAATS,  
Assistant Director.

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COMPTROLLER GENERAL OF THE UNITED STATES,  
Washington, July 26, 1950.

Hon. WILLIAM L. DAWSON,

*Chairman, Committee on Expenditures in the Executive Departments,  
House of Representatives.*

MY DEAR MR. CHAIRMAN: Reference is made to your letter of May 10, 1950, requesting report on H. R. 8416, Eighty-first Congress, entitled "A bill to amend Public Law 152, Eighty-first Congress, approved June 30, 1949," and to recent informal advice from counsel for your committee that the committee would prefer a report on H. R. 9129, Eighty-first Congress, entitled "A bill to amend the Federal Property and Administrative Services Act of 1949, and for other purposes."

There is enclosed a section-by-section analysis of H. R. 9129, which has the approval of the General Accounting Office. It is noted, particularly, that the bill contains language suggested by the General Accounting Office to improve the accounting and fiscal procedures under the 1949 act and to authorize the Comptroller General, upon the recommendation of the head of any Federal agency, to remit liquidated damages provided for in any contract of such agency.

It is understood, also, that your committee desires comment of the General Accounting Office with respect to the desirability of the proposed section 6 of H. R. 9129, which would be a Federal Records Act of 1950. Although the General Accounting Office is not the agency primarily concerned, it may be said that this act is designed to bring about improved management of Government records. It would impose on the Administrator of General Services the principal responsibility to accomplish this purpose, with the necessary measure of authority to carry out his responsibility in proper balance with the duties and requirements of all the agencies. There would be a central agency, working in cooperation with all others, to lead and coordinate a program of more efficient and effective utilization, maintenance, and disposal of records.

The heads of the Federal agencies would have definite responsibilities in the program, and provision is made for full consideration of their jurisdiction and needs. They would be required to observe standards and principles laid down by the Administrator of General Services, within his authority, and any violation of the act would be reported by the Administrator to the Congress and the President. Adequate safeguards are provided for the performance by the General Accounting Office of its assigned functions.

The Comptroller General and I long have recognized the seriousness of the problems arising from the ever-growing volume of Government records. It is one in the solution of which all of us—the Congress and the President, the departments and agencies, and the taxpayers—have a large stake. A carefully planned, concerted attack on the problem by all concerned is essential. The proposed legislation appears well suited to the undertaking. It would establish a central

responsible agency, and call for active participation by all agencies. It would provide machinery to guide and assist those agencies in the betterment of their own records, practices, and procedures. Just as is the case in the accounting field, where the Comptroller General, the Secretary of the Treasury, and the Director of the Bureau of the Budget—the heads of the three central fiscal agencies—have joined with all the agencies in a cooperative program to improve Federal accounting and financial reporting, a comparable program for Federal records, under the leadership of the Administrator of General Services, should be a significant step toward greater economy and efficiency in Government.

Sincerely yours,

FRANK L. YATES,

*Acting Comptroller General of the United States.*

GENERAL ACCOUNTING OFFICE SECTION-BY-SECTION ANALYSIS OF H. R. 9129,  
EIGHTY-FIRST CONGRESS

Section 1 of the bill is a clarification of existing authority.

Section 2 of the bill would have the general effect of eliminating the surcharge presently added to the cost of goods procured for other agencies so that operating costs would be borne by annual appropriations to the General Services Administration instead of being hidden in the expenses of the requisitioning agencies. This result would appear desirable.

Section 3 would amend subsection (b) of section 109 of the Federal Property and Administrative Services Act by (1) removing the provision for preparation of vouchers by requisitioning agencies, which is understood to have been a cause of delay in payments, and substituting therefor a provision for reimbursement in accordance with accounting procedures which will be approved by the Comptroller General, and (2) amending the proviso of the said subsection to prevent the Administrator from employing the "automatic" warrant or other lawful transfer document procedure provided for therein until at least 45 days shall have elapsed from the date when an actual liability has been incurred by the General Services Administration on behalf of the requisitioning agency. This Office approves the proposed amendments.

Section 3 (b) of the bill would confer on the Administrator of General Services specific authority to charge proper fees for testing services rendered to vendors and producers. Such provision is believed to be desirable.

Section 4 would authorize the Administrator of General Services to donate surplus property for education purposes or public-health services to tax-supported and nonprofit institutions such as specified in the said section. Under existing law, the Administrator has authority to donate surplus real property for health purposes and to donate surplus personal or real property for educational purposes, and there is not perceived any objection to the proposed amendment.

Section 5 of the bill relates to operation of buildings and related activities and to automobile identification. Aside from the redesignation of sections, the part relating to operation of buildings is largely a consolidation and restatement of existing substantive authority of the Administrator of General Services and of authority which has heretofore been provided in annual appropriation acts. The provisions of paragraphs 1, 2, 3, 4, 6, 7, 9, and 11 of subsection (a) are from annual appropriations and appear unobjectionable. Paragraph 5 transfers to the Administrator certain authority to pay rentals and make repairs, alterations, and improvements, without regard to the provision of section 322 of the act of June 30, 1932 (47 Stat. 412), with respect to leases entered into for other agencies formerly having such authority, or whose leases have been transferred to General Services Administration. Paragraph 8 confers on the Administrator authority to disregard the 25-percent limitation on repairs, alterations, or improvements to rented premises contained in section 322 of said act of June 30, 1932, in instances where he makes a determination that repairs, alterations, or improvements in excess of the limitation is advantageous to the Government. This Office offers no objection to these provisions, since under paragraph 5 the Administrator gets no authority not previously vested in the heads of other agencies and under paragraph 8 would be required to determine in each instance that the repairs, alterations, or improvements in excess of 25 percent is advantageous to the Government. Paragraph 10 would extend previous authority of the Administrator, with respect to the furnishing of utilities and other services, to surplus real property generally, and appears unobjectionable. Paragraph 12 would extend the Administrator's authority with respect to the acquisition of real estate and



interests therein to include condemnation. Subsection 5 (b) would authorize the Administrator, at the request of any Federal agency or mixed-ownership corporation occupying any building owned by the United States or by such corporation, to operate, maintain, and protect such building. Paragraph 5 (c) would authorize the Administrator, at the request of any Federal agency or mixed-ownership corporation, to acquire land for buildings and projects authorized by the Congress, to make surveys, plans, etc., for such buildings and projects, and to contract for and supervise their construction and equipment. Such provisions generally follow Reorganization Plan No. 18, subsection 5 (d), providing for the same exceptions to the Administrator's authority as does said reorganization plan, and are unobjectionable.

The proposed new section 211 (p. 12 of the bill) entitled "Automobile Identification" has the approval of this Office.

Section 6 of the bill would constitute the Federal Records Act of 1950. Its provisions have the approval of this Office and, also, conform to recommendations of the Hoover Commission.

The proposed new section 502 of the Federal Property and Administrative Services Act of 1949 (p. 13 of the bill) merely restates provisions of existing laws vesting in the Administrator of General Services custody and control of the National Archives Building and its contents, but adds authority to design, construct, and maintain records centers.

Section 503 continues the National Historical Publications Commission with a different and enlarged membership, including representatives of the three branches of the Government and the public, provides for filling vacancies in the membership, for payment of the Commission's expenses and the compensation of the members representing the public, and sets out the duties of the Commission. There is not perceived any objection to the provisions of this section.

Section 504 provides for the establishment of a Federal Records Council, with which the Administrator shall advise and consult in carrying out the purposes of the act. This Council would supplant the existing National Archives Council.

Subsection 505 (a) vests the Administrator with staff and coordinating responsibility for the economical and efficient management of records of Federal agencies.

Subsection 505 (b) requires the Administrator to establish standards for the selective retention of records, to assist the Federal agencies in applying such standards to records in their custody and to assist agency heads in protecting the records of their agencies against unauthorized damage or removal.

Subsection 505 (c) continues existing statutory authority of the Administrator to inspect records but provides that such inspection of records, the use of which is restricted by or pursuant to law or for reasons of national security or the public necessity, shall be in accordance with regulations promulgated by the Administrator subject to the approval of the head of the custodial agency.

Subsection 505 (d) clarifies and extends provisions of existing law by authorizing the Administrator to establish, maintain, and operate records centers for the storage, processing, and serving of records and to operate centralized microfilming services for Federal agencies. This subsection carries out the recommendations of the Hoover Commission as to records centers.

Subsection 505 (e) is a new provision authorizing the Administrator to promulgate regulations governing the transfer of records from the custody of one executive agency to that of another.

Subsection 505 (f) also is a new provision authorizing the Administrator to provide for retaining records for a longer period than that specified in disposal schedules approved by Congress. Such provision seems desirable in order to meet changing needs and conditions with respect to disposal of records.

Section 506 prescribes the duties and responsibilities of agency heads with respect to the making, management, and preservation of adequate records, and includes a provision that nothing in the act shall be construed as limiting the authority of the Comptroller General of the United States with respect to prescribing accounting systems, forms, and procedures, or lessening the responsibility of collecting and disbursing officers for rendition of their accounts for settlement by the General Accounting Office.

Subsection 507 (a) authorizes the Administrator to accept for deposit with the National Archives the records of any Federal agency or of the Congress that are determined by the Archivist to have sufficient value to warrant their preservation, to direct and effect, with the approval of the head of the originating agency, the transfer of records of public or educational institutions or associations, and to

effect the transfer of materials from private sources authorized to be received by the Administrator by the provisions of subsection 507 (e).

Subsection 507 (b) makes the Administrator responsible for the custody, use, and withdrawal of records transferred to him. It contains four provisos respecting restrictions on the use of records, three of which merely retain existing statutory restrictions. The third proviso is new, providing that restrictions referred to in this subsection shall not remain in force after the records have been in existence for 50 years, unless otherwise determined by the Administrator with respect to specific bodies of records.

Section 507 (c) continues, in substance, the provisions of existing law as to the preservation, arrangement, repair, and reproduction of records transferred to the Administrator, and provides authority for the Administrator to publish certain works approved by the National Historical Publications Commission.

Section 507 (d) continues existing authority for providing reference service on records in the custody of the Administrator.

Section 507 (e) is a partially new provision authorizing the Administrator to accept for deposit the personal papers and other personal historical documentary material of high Government officials under specified restrictions; also, motion-picture films, sound recordings, etc., from private sources.

Section 507 (f) authorizes the Administrator to make, preserve, and provide for the use of motion-picture films, still pictures, and sound recordings pertaining to the historical development of the United States Government and its activities.

Section 508 (a) authorizes the Administrator to require reports from Federal agencies on their activities under this act and the Records Disposal Act.

Section 508 (b) authorizes the Administrator to inform the heads of agencies as to violations of the Federal Records Act of 1950 and, unless corrective action is taken, to report said violations to the President and the Congress.

Section 509 (a) is a new provision giving statutory authority for the retention of records reproduced on microfilm, or by other copying process in lieu of original records required by law to be retained indefinitely and providing that such reproductions shall have the same legal status as the original records.

Section 509 (b) continues the provisions of existing law with respect to an official seal of the National Archives of the United States and the admission in evidence of authenticated copies or reproductions of records.

Section 509 (c) continues the provisions of existing law with respect to fees for copies or reproductions of records, with a new provision permitting reimbursement of the cost of furnishing such copies or reproductions.

Section 510 would protect the United States and its agents from liability for any infringement of literary property rights that might result from the use of letters and other intellectual productions in the custody of the Administrator, exclusive of material copyrighted or patented.

Section 511 consists of definitions of the terms "records," "records centers," and other terms used in the bill.

Section 7 (a) of the bill would amend section 3 (d) of the Federal Property and Administrative Services Act of 1949 so as to exclude Government records from the definition of the word "property." The remainder of section 7 consists chiefly of amendments necessary for inserting the provisions of the bill in the Federal Property and Administrative Services Act, for expressly repealing the National Archives Act and for superseding specified provisions of certain statutes and of Executive Order No. 6166.

Section 8 of the bill contains provisions excepting the Senate, the House of Representatives, and the Architect of the Capitol from the provisions of the Federal Property and Administrative Services Act of 1949, but providing that any services and facilities authorized by the act shall be available to the Senate, House of Representatives, and Architect of the Capitol upon their request. It is noted that there should be quotation marks at the beginning of line 21, page 33 of the bill.

Section 9 would amend section 205 (h) of the Federal Property and Administrative Services Act of 1949 by broadening the duty of the Administrator to consult with interested Federal agencies to the scope of the entire act.

Section 10 provides that whenever any contract made on behalf of the Government by the head of any Federal agency, or by officers authorized by him to do so, includes a provision for liquidated damages for delay, the Comptroller General upon recommendation of such head is authorized and empowered to remit the whole or any part of such damages as in his discretion may be just and equitable. This provision was incorporated in the bill at the suggestion of the General Accounting Office and is strongly recommended in the interest of uniformity in the



matter of remission of liquidated damages. A similar provision of law is now contained in the Armed Services Procurement Act of 1947 (62 Stat. 21, 24), but it applies only to the Department of the Army, the Department of the Navy, the Department of the Air Force, the United States Coast Guard, and the National Advisory Committee for Aeronautics. Also, a similar provision is contained in section 306 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 396), but it applies only to contracts covered by title 3 of that act and made by executive agencies. I know of no sound reason for such limited application of the law.

As hereinbefore indicated, the provisions of H. R. 9129 have the approval of this Office or are considered unobjectionable.

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GENERAL SERVICES ADMINISTRATION,  
July 26, 1950.

HON. WILLIAM L. DAWSON,  
*Chairman, Committee on Expenditures in the Executive Departments,  
House of Representatives, Washington 25, D. C.*

DEAR MR. DAWSON: Reference is made to H. R. 9129, entitled "A bill to amend the Federal Property and Administrative Services Act of 1949."

The proposed legislation has been the subject of extended study by me and my associates, and, as you know, my staff has assisted your staff in the consideration and drafting of the bill. This letter will therefore confirm the wholehearted support of the measure by this Administration.

I have been informally advised by the Bureau of the Budget that it has no objection to the submission of this report to your committee.

Sincerely yours,

JESS LARSON,  
*General Services Administrator.*

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AMERICAN HISTORICAL ASSOCIATION,  
Washington, D. C., June 26, 1950.

HON. WILLIAM L. DAWSON,  
*Chairman, House Committee on Executive Expenditures,  
Washington, D. C.*

DEAR SIR: As executive secretary of the American Historical Association and a member of the existing National Historical Publications Commission, I want to express my hearty agreement with the general purpose and specific terms of the suggested modifications of H. R. 8416 to amend Public Law 152 in relation to the reorganization of the Historical Publications Commission.

I am venturing to urge one minor change. It would be, I think, better to have the two representatives of the American Historical Association chosen by the council of the association, an elected body which conducts its business, rather than appointed by the president. The latter holds office for 1 year and in this honorary position may or may not be familiar with the interests involved. The council is the legislating body with a membership widely diversified geographically and fully representative of all historical interests. It elects the delegates or representatives of the association to all similar cooperative scholarly commissions both domestic and international. This change in method of choice would make for wider knowledge in the association about the commission and its work and a livelier interest in following its activities.

Sincerely,

GUY STANTON FORD, *Executive Secretary.*

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GENERAL SERVICES ADMINISTRATION,  
THE NATIONAL ARCHIVES,  
Washington, D. C., June 27, 1950.

HON. CHET HOLIFIELD,  
*Chairman, Subcommittee on Legislative and Executive Organization,  
Committee on Expenditures in the Executive Departments,  
Washington, D. C.*

DEAR MR. HOLIFIELD: At a meeting of the National Historical Publications Commission on June 15, 1950, consideration was given to those provisions of

H. R. 8416 that constitute proposed changes in legislation affecting the commission. This bill is now before the Committee of the House of Representatives on Expenditures in the Executive Departments. After careful consideration the commission adopted unanimously a resolution which it has asked me, as its chairman, to bring to your attention. A copy of the resolution is attached.

The Commission also asked me to explain to you its reasons for suggesting the changes in H. R. 8416 that are set forth in its resolution.

(1) It believes that representation of the Department of State and the Department of Defense should be specifically provided for in order to assure the continued representation on the commission of specialists in the fields of diplomatic and military history while, at the same time, taking into account the reorganization of the military forces of the country as directed by Congress in the National Security Act of 1947.

(2) The commission believes that its own usefulness would be increased if provision should be made for staggering the terms of membership; this would assure continuity of the commission's membership and remove the possibility of an almost complete change in membership at any one time.

(3) At the suggestion of its members from the American Historical Association, the commission recommends that the association's representatives on the commission be chosen by the association's council, as are its representatives on other bodies, rather than by its president, and that the selection of these representatives not be restricted, as at present, to persons who are or have been members of the association's council.

(4) The fourth recommendation of the commission is that it be specifically authorized to cooperate with other organizations and with individuals both in and outside the Federal Government in promoting the collection and preservation and the selective publication of the writings of the men and women who have made major contributions to the development of our democracy. Our democracy is based on an informed citizenry; and it is important to our freedom that the people of the United States and people throughout the world have knowledge and understanding of how our Nation has developed. Much information that is important to that end is hidden in the unpublished writings of leaders in many fields of activity. These men and women were leaders not only in political life but also in business and industry, in agriculture, in labor, in science and technology, in religion, and in numerous other fields. The Commission's recommendation is in line with the President's ideas expressed a short time ago when he was presented with a copy of the recently published first volume of the Papers of Thomas Jefferson. The commission believes that these are the ideas also of many of the people of the United States. Like the President, the commission believes that the work of collecting and publishing the writings of our leaders should be done as far as possible by private groups and not by the Federal Government.

Sincerely yours,

WAYNE C. GROVER,  
*Chairman, National Historical Publications Commission.*

RESOLUTION OF THE NATIONAL HISTORICAL PUBLICATIONS COMMISSION ADOPTED AT ITS MEETING ON JUNE 15, 1950

*Resolved*, That the National Historical Publications Commission, having given careful consideration to the provisions of H. R. 8416 that affect the commission, respectfully recommends that the Congress of the United States enact those provisions into law, subject to the following changes in the proposed section 502:

(1) That provision be made for two additional members, one representative of the Department of State to be appointed by the Secretary of State and one representative of the Department of Defense to be appointed by the Secretary of Defense;

(2) That the two members of the American Historical Association be appointed by the council rather than the president of the association and that the requirement that they be "persons who are or have been members of the executive council of the said association" be stricken out;

(3) That provision be made for staggered terms of membership on the Commission, so as to assure a reasonable continuity of membership; and

(4) That on page 16, line 7, a semicolon be substituted for the period after "public expense" and the following inserted: "and shall cooperate with and encourage appropriate Federal, State, and local agencies and nongovernmental institutions, societies, and individuals in collecting and preserving and, when

it deems such action to be desirable, in editing and publishing the papers of outstanding citizens of the United States and such other documents as may be important for an understanding and appreciation of the history of the United States."

PHILIP M. HAMER,  
*Secretary of the Commission.*

JUNE 27, 1950.

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THE SOCIETY OF AMERICAN ARCHIVISTS,  
*Washington, D. C., June 27, 1960.*

HON. CHET HOLIFIELD,  
*Chairman, Subcommittee on Legislative and Executive Organizations  
Committee on Expenditures in the Executive Departments,  
House of Representatives, Washington, D. C.*

DEAR MR. HOLIFIELD: I am writing to express the interest of the professional archivists who make up our society in title V, Public Records, of H. R. 8416, with the changes that I understand have been made in it in Senate bill 3781. This basic-records legislation is of great importance to the development of archival work throughout the country, as well as to the fulfillment of the Government's responsibility for preserving a minimum of meaningful records of its activities. Maintenance of high quality of such records, of course, entails the orderly elimination of those that prove valueless. It is evident that this legislation has been carefully considered and that pertinent interests have been taken into account. The result appears to be a constructive measure which should promote economical and effective records management and archival administration.

As archivists we are much concerned in the selection and preservation of valuable records and in means of making their contents known for the guidance of the Government and the people of our democracy. Therefore I am pleased to see the provision in the bill for the deposit of personal papers and other personal historical documentary materials of the Presidents. As is well known many papers of past Presidents have been lost in various ways, and this definite plan for their orderly preservation is highly significant.

The expanded functions of the National Historical Publications Commission, including the encouragement of Federal, State, local, and nongovernmental authorities in collecting, preserving, editing, and publishing important historical documents should make a salutary contribution to the objective, which our society shares, of preserving and making available the significant records of our national heritage.

I trust that favorable consideration will be given to this legislation.

Very sincerely yours,

PHILIP C. BROOKS, *President.*

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COMPTROLLER GENERAL OF THE UNITED STATES,  
*Washington, June 29, 1950.*

HON. CHET HOLIFIELD,  
*Chairman, Executive and Legislative Reorganization Subcommittee,  
Committee on Expenditures in the Executive Departments,  
House of Representatives.*

MY DEAR MR. CHAIRMAN: In compliance with the request made by you at the hearings today on Committee Print No. 1 (revision of H. R. 7545 and H. R. 8416, 81st Cong.) the following language is suggested for inclusion in the said bill as a separate section:

"Whenever any contract made on behalf of the Government includes a provision for liquidated damages for delay, the Comptroller General on the recommendation of the head of the Government establishment involved is authorized and empowered to remit the whole or any part of such damages as in his discretion may be just and equitable."

As thus written, the provision would extend to all contracts executed on behalf of the Government, whether by officers and employees in the executive, legislative, or judicial branches. The authority or responsibility for recommending remission of liquidated damages under such a contract would be in the head of the particular Government establishment involved. But that provision would not be retroactive—it would only apply to contracts entered into on or after the effective date of the enactment.



If it deemed desirable by the subcommittee that the provision have some retroactive effect, it is believed that the date of approval of the Federal Property and Administrative Services Act of 1949, June 30, 1949, the date of approval of a similar but limited provision, might well be adopted as the controlling date. In that event, it would be necessary simply to insert the words "on or after June 30, 1949" between the words "Government" and "includes" in the above-quoted paragraph.

A similar provision of law is now contained in the Armed Services Procurement Act of 1947 (62 Stat. 21, 24), but it applies only to the Department of the Army, the Department of the Navy, the Department of the Air Force, the United States Coast Guard, and the National Advisory Committee for Aeronautics. Also, a similar provision is contained in the Federal Property and Administrative Services Act of 1949 but, as explained to your subcommittee, it is of limited application. I know of no sound reason for this limited application of the law and it is my recommendation that the provision quoted above be enacted into law so that all agencies and contracts of the Government may be dealt with in the same manner so far as the remission of liquidated damages be involved.

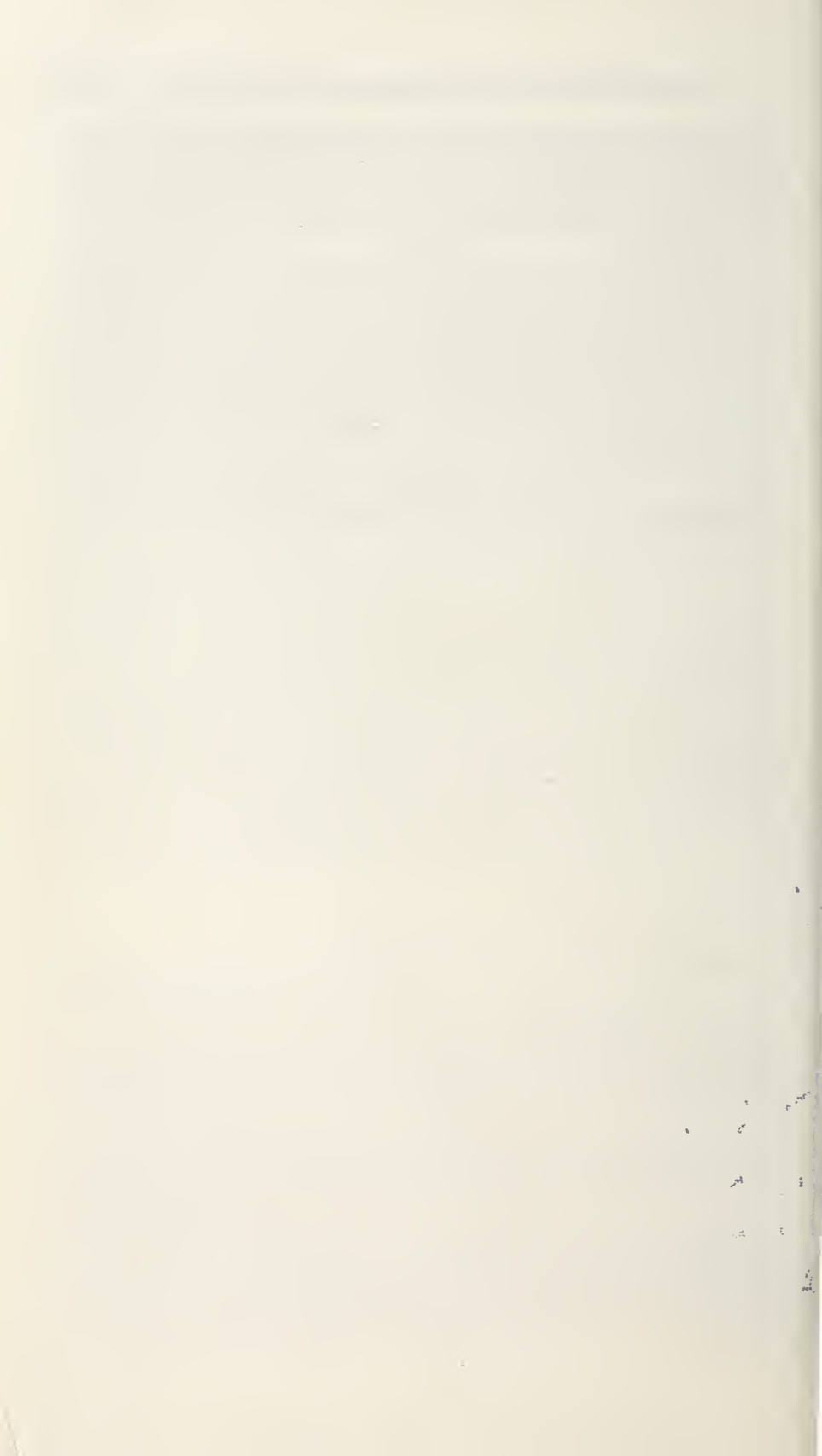
Sincerely yours,

LINDSAY C. WARREN,  
*Comptroller General of the United States.*

(Whereupon, at 11:50 a. m., the subcommittee adjourned.)

X









# S. 3842

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## IN THE SENATE OF THE UNITED STATES

JUNE 28 (legislative day, JUNE 7), 1950

Mr. McCLELLAN introduced the following bill; which was read twice and referred to the Committee on Expenditures in the Executive Departments

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## A BILL

To amend the Federal Property and Administrative Services Act of 1949, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That subsection (a) of section 109 of the Federal Property  
4       and Administrative Services Act of 1949 (Public Law 152,  
5       Eighty-first Congress) is amended to read as follows:  
6       “SEC. 109. (a) There is hereby authorized to be set  
7       aside in the Treasury a special fund which shall be known as  
8       the General Supply Fund. Such fund shall be composed of  
9       the assets of the general supply fund (including any surplus  
10      therein) created by section 3 of the Act of February 27,  
11      1929 (45 Stat. 1342; 41 U. S. C. 7c), and transferred to



1 the Administrator by section 102 of this Act, and such sums  
2 as may be appropriated thereto, and the Fund shall assume all  
3 of the liabilities, obligations, and commitments of the general  
4 supply fund created by such Act of February 27, 1929. The  
5 capital of the General Supply Fund shall be in an amount not  
6 greater than \$75,000,000. In advance of each fiscal year  
7 the Administrator of General Services shall file with the  
8 Secretary of the Treasury an estimate, approved by the  
9 Bureau of the Budget, showing the cost of sales to be made  
10 through the General Supply Fund during the approaching  
11 fiscal year. Thereafter, on request of the Administrator,  
12 the Secretary of the Treasury is authorized and directed  
13 to credit the said Fund with such moneys, not otherwise  
14 appropriated, as will increase the Fund to a sum not in  
15 excess of 25 per centum of said estimate. At the begin-  
16 ning of each fiscal year, if the capital account of the  
17 General Supply Fund shall exceed 25 per centum of said  
18 estimate, the excess shall be covered into the Treasury  
19 as miscellaneous receipts. Once during any fiscal quarter  
20 year, the Administrator may revise said estimate with  
21 the approval of the Director of the Bureau of the  
22 Budget, and the General Supply Fund shall be accordingly  
23 increased or diminished at the request of the Admin-  
24 istrator. Any proposed increase or decrease in the capi-  
25 tal of the General Supply Fund shall be reported in the

1 annual budget of the United States. The General Supply  
2 Fund shall be available for use by or under the direction and  
3 control of the Administrator (1) for procuring personal  
4 property (including the purchase from or through the Public  
5 Printer, for warehouse issue, of standard forms, blankbook  
6 work, Federal specifications, and other printed material in  
7 common use by Federal agencies and not available through  
8 the Superintendent of Documents) and nonpersonal serv-  
9 ices for the use of Federal agencies in the proper dis-  
10 charge of their responsibilities, and (2) for paying  
11 all elements of cost of the procurement, handling, and dis-  
12 tribution thereof, except that on and after July 1, 1950, those  
13 elements of cost which are determined by the Administrator  
14 with the approval of the Director of the Bureau of the  
15 Budget to be indirect or overhead costs shall not be paid  
16 from the Fund.

17 SEC. 2. (a) The final sentence of subsection (a) of  
18 section 109 of the Federal Property and Administrative Serv-  
19 ices Act of 1949, as hereinbefore amended, is amended to  
20 read as follows: "The General Supply Fund shall be avail-  
21 able for use by and under the direction of the Administrator  
22 (1) for procuring personal property (including the purchase  
23 from or through the Public Printer, for warehouse issue, of  
24 standard forms, blankbook work, Federal specifications, and  
25 other printed material in common use by Federal agencies

1 and not available through the Superintendent of Documents)  
2 and nonpersonal services for the use of Federal agencies in  
3 the proper discharge of their responsibilities, and (2) for  
4 paying the purchase price, transportation to first storage  
5 point of supplies and services, and the cost of personal serv-  
6 ices employed directly in the repair, rehabilitation, and con-  
7 version of personal property.”

8 (b) The third sentence of subsection (b) of section  
9 109 of such Act is amended to read as follows: “On and  
10 after such date, such prices shall be fixed at levels so as to  
11 recover so far as practicable the applicable purchase price,  
12 the transportation cost to first storage point, inventory losses,  
13 the cost of personal services employed directly in the repair,  
14 rehabilitation, and conversion of personal property, and the  
15 cost of amortization and repair of equipment utilized for  
16 lease or rent to executive agencies.”

17 (c) The amendments made by this section shall be  
18 effective on the date, not earlier than July 1, 1950, on which  
19 the Administrator of General Services shall determine that  
20 appropriated funds adequate to effectuate the purposes of  
21 such amendments have been made available.

22 SEC. 3. (a) The final sentence of subsection (b) of  
23 section 109 of the Federal Property and Administrative  
24 Services Act of 1949 is amended to read as follows: “Where  
25 an advance of funds is not made, requisitioning agencies shall

1 promptly reimburse the General Services Administration in  
2 accordance with accounting procedures approved by the  
3 Comptroller General: *Provided*, That in any case where  
4 payment shall not have been made by the requisitioning  
5 agency within 45 days after the date of billing by the  
6 Administrator or the date on which an actual liability for  
7 supplies or services is incurred by the Administrator, which-  
8 ever is the later, reimbursement may be obtained by the  
9 Administrator by the issuance of transfer and counterwar-  
10 rants supported by itemized invoices.”

11 (b) Section 109 of the Federal Property and Admin-  
12 istrative Services Act of 1949 is amended by adding at the  
13 end thereof the following new subsection:

14 “(g) The Administrator of General Services is author-  
15 ized in his discretion to charge vendors and producers of  
16 commodities considered for purchase such fees as he shall  
17 determine to be reasonable for testing such commodities for  
18 conformance to specifications and standards, and such fees  
19 may be deposited in the General Supply Fund and used to  
20 defray the expenses of conducting such tests as the Adminis-  
21 trator may prescribe.”

22 SEC. 4. Paragraphs (1) and (2) of section 203 (j) of  
23 the Federal Property and Administrative Services Act of  
24 1949 are amended to read as follows:

25 “(1) Under such regulations as he may prescribe, the



1 Administrator is authorized in his discretion to donate for  
2 educational purposes or public health purposes, including  
3 research, in the States, Territories, and possessions without  
4 cost (except for costs of care and handling) such equipment,  
5 materials, books, or other supplies under the control of  
6 any executive agency as shall have been determined to be  
7 surplus property and which shall have been determined under  
8 paragraph (2) or paragraph (3) of this subsection to be  
9 usable and necessary for educational purposes or public  
10 health purposes, including research.

11 “(2) Determination whether such surplus property  
12 (except surplus property donated in conformity with para-  
13 graph (3) of this subsection) is usable and necessary for  
14 educational purposes or public health purposes, including  
15 research, shall be made by the Federal Security Admin-  
16 istrator, who shall allocate such property on the basis of  
17 needs and utilization for transfer by the Administrator  
18 of General Services to tax-supported medical institutions,  
19 hospitals, or similar institutions providing health care,  
20 school systems, schools, colleges, and universities, and to  
21 other nonprofit medical institutions, hospitals, or similar  
22 institutions providing health care, schools, colleges, and  
23 universities which have been held exempt from taxation  
24 under section 101 (6) of the Internal Revenue Code,  
25 or to State departments of education or health for dis-

1   tribution to such tax-supported and nonprofit medical insti-  
 2   tutions, hospitals, or similar institutions providing health  
 3   care, school systems, schools, colleges, and universities;  
 4   except that in any State where another agency is desig-  
 5   nated by State law for such purpose such transfer shall  
 6   be made to said agency for such distribution within  
 7   the State.”

8       SEC. 5. The Federal Property and Administrative Serv-  
 9   ices Act of 1949 is amended by—

10       (a) redesignating section 210 thereof as section  
 11       212, and wherever such section number appears in such  
 12       Act as originally enacted, it is amended to conform to  
 13       the redesignation prescribed by this subsection;

14       (b) inserting in the table of contents appearing in  
 15       the first section of such Act, immediately after the line  
 16       in which “Sec. 209.” appears, the following:

“Sec. 210. Operation of buildings and related activities.

“Sec. 211. Automobile identification.”

17       (c) inserting, immediately after section 209  
 18       thereof, the following new sections:

19       “OPERATION OF BUILDINGS AND RELATED ACTIVITIES

20       “SEC. 210. (a) Whenever and to the extent that the  
 21       Administrator has been or hereafter may be authorized by  
 22       any provision of law other than this subsection to main-  
 23       tain, operate, and protect any building, property, or grounds

1 situated in or outside the District of Columbia, including the  
2 construction, repair, preservation, demolition, furnishing, and  
3 equipment thereof, he is authorized in the discharge of the  
4 duties so conferred upon him—

5 “(1) to purchase, repair, and clean uniforms for  
6 civilian employees of the General Services Administra-  
7 tion who are required by law or regulation to wear  
8 uniform clothing;

9 “(2) to furnish arms and ammunition for the pro-  
10 tection force maintained by the General Services Ad-  
11 ministration;

12 “(3) to pay ground rent for buildings owned by  
13 the United States or occupied by Federal agencies, and  
14 to pay such rent in advance when required by law or  
15 when the Administrator shall determine such action to  
16 be in the public interest;

17 “(4) to employ and pay personnel employed in  
18 connection with the functions of operation, maintenance,  
19 and protection of property at such per diem rates as  
20 may be approved by the Administrator, not exceeding  
21 rates currently paid by private industry for similar serv-  
22 ices in the place where such services are performed;

23 “(5) without regard to the provisions of section 322  
24 of the Act of June 30, 1932 (47 Stat. 412), as amend-  
25 ed, to pay rental, and to make repairs, alterations, and

1 improvements under the terms of any lease entered into  
2 by, or transferred to, the General Services Administra-  
3 tion for the housing of any Federal agency which on  
4 June 30, 1950, was specifically exempted by law from  
5 the requirements of said section;

6 “(6) to obtain payments, through advances or  
7 otherwise, for services, space, quarters, maintenance,  
8 repair, or other facilities furnished, on a reimbursable  
9 basis, to any other Federal agency, or any mixed-owner-  
10 ship corporation (as defined in the Government Cor-  
11 poration Control Act), or the District of Columbia, and  
12 to credit such payments to the applicable appropriation  
13 of the General Services Administration;

14 “(7) to make changes in, maintain, and repair the  
15 pneumatic tube system connecting buildings owned by  
16 the United States or occupied by Federal agencies in  
17 New York City installed under franchise of the city of  
18 New York, approved June 29, 1909, and June 11,  
19 1928, and to make payments of any obligations arising  
20 thereunder in accordance with the provisions of the Acts  
21 approved August 5, 1909 (36 Stat. 120), and May 15,  
22 1928 (45 Stat. 533);

23 “(8) without regard to the 25 per centum limitation  
24 of section 322 of the Act of June 30, 1932 (47 Stat.



1 412), as amended, to repair, alter, and improve rented  
2 premises when the Administrator shall certify that the  
3 execution of such work, without reference to such limi-  
4 tation, would in the specific case be in the best interest  
5 of the United States;

6 “(9) to pay sums in lieu of taxes on real property  
7 declared surplus by Government corporations, pursuant  
8 to the Surplus Property Act of 1944, where legal title  
9 to such property remains in any such Government  
10 corporation;

11 “(10) to furnish utilities and other services where  
12 such utilities and other services are not provided from  
13 other sources to persons, firms, or corporations occupy-  
14 ing or utilizing plants or portions of plants which con-  
15 stitute (A) a part of the National Industrial Reserve  
16 pursuant to the National Industrial Reserve Act of  
17 1948, or (B) surplus real property, and to credit the  
18 amounts received therefrom to the applicable appro-  
19 priation of the General Services Administration;

20 “(11) at the direction of the Secretary of Defense,  
21 to use proceeds received from insurance against damage  
22 to properties of the National Industrial Reserve for re-  
23 pair or restoration of the damaged properties; and

24 “(12) to acquire, by purchase, condemnation, or  
25 otherwise, real estate and interests therein.

1       “(b) At the request of any Federal agency or any  
2 mixed-ownership corporation (as defined in the Govern-  
3 ment Corporation Control Act), or the District of Columbia,  
4 the Administrator is hereby authorized to operate, maintain,  
5 and protect any building owned by the United States (or,  
6 in the case of any wholly owned or mixed-ownership Gov-  
7 ernment corporation, by such corporation) and occupied by  
8 the agency or instrumentality making such request.

9       “(c) At the request of any Federal agency or any  
10 mixed-ownership corporation (as defined in the Govern-  
11 ment Corporation Control Act), or the District of Columbia,  
12 the Administrator is hereby authorized (1) to acquire land  
13 for buildings and projects authorized by the Congress; (2)  
14 to make or cause to be made, under contract or otherwise,  
15 surveys and test borings and to prepare plans and specifica-  
16 tions for such buildings and projects prior to the approval by  
17 the Attorney General of the title to the sites thereof; and  
18 (3) to contract for, and to supervise, the construction and  
19 development and the equipping of such buildings or projects.  
20 Any sum available to any such Federal agency or instru-  
21 mentality for any such building or project may be transferred  
22 by such agency to the General Services Administration in  
23 advance for such purposes as the Administrator shall deter-  
24 mine to be necessary, including the payment of salaries and  
25 expenses of personnel engaged in the preparation of plans

1 and specifications or in field supervision, and for general  
2 office expenses to be incurred in the rendition of any such  
3 service.

4 “(d) Whenever the Director of the Bureau of the  
5 Budget shall determine such action to be in the interest of  
6 economy or efficiency, he shall transfer to the Administrator  
7 all functions then vested in any other executive agency with  
8 respect to the operation, maintenance, and custody of any  
9 office building owned by the United States or any wholly  
10 owned Government corporation, or any office building or part  
11 thereof occupied by any executive agency under any lease,  
12 except that no transfer shall be made under this subsection—

13 “(1) of any post-office building unless the Director  
14 shall first determine that such building is not used pre-  
15 dominantly for post-office purposes, and functions which  
16 are transferred hereunder to the Administrator with  
17 respect to any post-office building may be delegated by  
18 him only to another officer or employee of the General  
19 Services Administration or to the Postmaster General;

20 “(2) of any building located in any foreign country;

21 “(3) of any building located on the grounds of any  
22 fort, camp, post, arsenal, navy yard, naval training  
23 station, air field, proving ground, military supply depot,  
24 or school, or of any similar facility of the Department  
25 of Defense, unless and to such extent as a permit for

1 its use by another agency or agencies shall have been  
2 issued by the Secretary of Defense or his duly authorized  
3 representative;

4 “(4) of any building which the Director of the  
5 Bureau of the Budget finds to be a part of a group of  
6 buildings which are (A) located in the same vicinity,  
7 (B) utilized wholly or predominantly for the special  
8 purposes of the agency having custody thereof, and  
9 (C) not generally suitable for the use of other  
10 agencies; or

11 “(5) of the Treasury Building, the Bureau of En-  
12 graving and Printing Building, the buildings occupied  
13 by the National Bureau of Standards, and the buildings  
14 under the jurisdiction of the regents of the Smithsonian  
15 Institution.

16 “AUTOMOBILE IDENTIFICATION

17 “SEC. 211. Under regulations prescribed by the Admin-  
18 istrator, every motor vehicle acquired and used for official  
19 purposes within the United States, its Territories, or posses-  
20 sions, by any Federal agency or the District of Columbia  
21 shall be conspicuously identified by showing thereon  
22 either (a) the full name of the department, establishment,  
23 corporation, or agency by which it is used and the service in  
24 which it is used, or (b) a title descriptive of the service in  
25 which it is used if such title readily identifies the department,



1 establishment, corporation, or agency concerned: *Provided*.  
 2 That the regulations issued pursuant to this section may  
 3 provide for exemptions from the requirement of this section  
 4 when conspicuous identification would interfere with the pur-  
 5 pose for which a vehicle is acquired and used.”

6 SEC. 6. The Federal Property and Administrative Serv-  
 7 ices Act of 1949 is amended by—

8 (a) redesignating “title V” of such Act as “title  
 9 VI” thereof, and “title V”, wherever it appears therein,  
 10 is amended to read “title VI”;

11 (b) redesignating sections 501–505, inclusive, of  
 12 such Act, respectively, as sections 601–605, inclusive,  
 13 thereof, and wherever any such section number appears  
 14 in such Act as originally enacted, it is amended to con-  
 15 form in numbering to the redesignation prescribed by  
 16 this subsection;

17 (c) inserting at the proper place in the table of con-  
 18 tents to such Act the following:

“TITLE V—FEDERAL RECORDS

“Sec. 501. Short title.

“Sec. 502. Custody and control of property.

“Sec. 503. National Historical Publications Commission.

“Sec. 504. Federal Records Council.

“Sec. 505. Records management; the Administrator.

“Sec. 506. Records management; agency heads.

“Sec. 507. Archival administration.

“Sec. 508. Reports.

“Sec. 509. Legal status of reproductions.

“Sec. 510. Limitation on liability.

“Sec. 511. Definitions.”

(d) inserting, immediately following title IV thereof,  
the following new title:

“TITLE V—FEDERAL RECORDS

“SHORT TITLE

“SEC. 501. This title may be cited as the ‘Federal  
Records Act of 1950’.

“CUSTODY AND CONTROL OF PROPERTY

“SEC. 502. The Administrator shall have immediate  
custody and control of the National Archives Building and  
its contents, and shall have authority to design, construct,  
purchase, lease, maintain, operate, protect, and improve  
buildings used by him for the storage of records of Federal  
agencies in the District of Columbia and elsewhere.

“NATIONAL HISTORICAL PUBLICATIONS COMMISSION

“SEC. 503. (a) There is hereby created a National  
Historical Publications Commission consisting of the  
Archivist (or an alternate designated by him), who shall  
be Chairman; the Librarian of Congress (or an alternate  
designated by him); one Member of the United States  
Senate to be appointed, for a term of four years, by the  
President of the Senate; one Member of the House of  
Representatives to be appointed, for a term of two years,  
by the Speaker of the House of Representatives; one repre-  
sentative of the judicial branch of the Government to be

1 appointed, for a term of four years, by the Chief Justice  
2 of the United States; one representative of the Department of  
3 State to be appointed, for a term of four years, by the Secre-  
4 tary of State; one representative of the Department of De-  
5 fense to be appointed, for a term of four years, by the Secre-  
6 tary of Defense; two members of the American His-  
7 torical Association to be appointed by the council of the  
8 said association, one of whom shall serve an initial term  
9 of two years and the other an initial term of three years,  
10 but their successors shall be appointed for terms of four  
11 years; and two other members outstanding in the fields  
12 of the social or physical sciences to be appointed by the  
13 President of the United States, one of whom shall serve  
14 an initial term of one year and the other an initial term  
15 of three years, but their successors shall be appointed for  
16 terms of four years. The Commission shall meet annually  
17 and on call of the Chairman.

18       “(b) Any person appointed to fill a vacancy in the  
19 membership of the Commission shall be appointed only for  
20 the unexpired term of the member whom he shall succeed,  
21 and his appointment shall be made in the same manner in  
22 which the appointment of his predecessor was made.

23       “(c) The expenses of the Commission, including the  
24 personal services of an executive director and such an  
25 editorial and clerical staff as the Administrator may de-

1 termine to be necessary, are hereby authorized to be paid  
2 by the Administrator. Members of the Commission who  
3 represent any branch or agency of the Government shall  
4 serve as members of the Commission without additional  
5 compensation. All members of the Commission shall be  
6 reimbursed for transportation expenses incurred in attend-  
7 ing meetings of the Commission, and all such members  
8 other than those who represent any branch or agency of  
9 the Government of the United States shall receive in lieu of  
10 subsistence en route to or from or at the place of such serv-  
11 ice, for each day actually spent in connection with the  
12 performance of their duties as members of such Commission,  
13 such sum, not to exceed \$25, as the Administrator shall  
14 prescribe.

15 “(d) The Commission shall make plans, estimates, and  
16 recommendations for such historical works and collections  
17 of sources as it deems appropriate for printing or otherwise  
18 recording at the public expense. The Commission shall also  
19 cooperate with and encourage appropriate Federal, State, and  
20 local agencies and nongovernmental institutions, societies,  
21 and individuals in collecting and preserving and, when it  
22 deems such action to be desirable, in editing and publishing  
23 the papers of outstanding citizens of the United States and  
24 such other documents as may be important for an under-



1 standing and appreciation of the history of the United States.  
2 The Chairman of the Commission shall transmit to the  
3 Administrator from time to time, and at least once annually,  
4 such plans, estimates, and recommendations as have been  
5 approved by the Commission.

6 "FEDERAL RECORDS COUNCIL

7 "SEC. 504. The Administrator shall establish a Federal  
8 Records Council, and shall advise and consult with the  
9 Council with a view to obtaining its advice and assistance  
10 in carrying out the purposes of this title. The Council shall  
11 include representatives of the legislative, judicial, and  
12 executive branches of the Government in such number as  
13 the Administrator shall determine, but such Council shall  
14 include at least four representatives of the legislative branch,  
15 at least two representatives of the judicial branch, and at least  
16 six representatives of the executive branch. Members of  
17 the Council representing the legislative branch shall be desig-  
18 nated, in equal number, from Members of the Senate and the  
19 House of Representatives, by the President of the Senate  
20 and the Speaker of the House of Representatives, respec-  
21 tively. Members of the Council representing the judicial  
22 branch shall be designated by the Chief Justice of the United  
23 States. Members of the Council representing the executive  
24 branch shall be designated by the Administrator from persons  
25 nominated by the head of the agency concerned. Members

1 of the Council shall serve without compensation, but shall  
2 be reimbursed for all necessary expenses actually incurred  
3 in the performance of their duties as members of the Council.  
4 The Council shall elect its chairman, and shall meet at  
5 least once annually.

6 "RECORDS MANAGEMENT; THE ADMINISTRATOR

7 "SEC. 505. (a) The Administrator shall make provi-  
8 sions for the economical and efficient management of records  
9 of Federal agencies (1) by analyzing, developing, promot-  
10 ing, and coordinating standards, procedures, and techniques  
11 designed to improve the management of records, to  
12 insure the maintenance and security of records deemed  
13 appropriate for preservation, and to facilitate the segrega-  
14 tion and disposal of records of temporary value, and (2)  
15 by promoting the efficient and economical utilization of  
16 space, equipment, and supplies needed for the purpose of  
17 creating, maintaining, storing, and servicing records.

18 "(b) The Administrator shall establish standards for  
19 the selective retention of records of continuing value, and  
20 assist Federal agencies in applying such standards to records  
21 in their custody; and he shall notify the head of any Federal  
22 agency of any actual, impending, or threatened unlawful  
23 removal, defacing, alteration, or destruction of records in the  
24 custody of such agency that shall come to his attention, and  
25 assist the head of such agency in initiating action through

1 the Attorney General for the recovery of such records as shall  
2 have been unlawfully removed and for such other redress  
3 as may be provided by law.

4 “(c) The Administrator is authorized to inspect or  
5 survey personally or by deputy the records of any Federal  
6 agency, as well as to make surveys of records management  
7 and records disposal practices in such agencies, and shall be  
8 given the full cooperation of officials and employees of agen-  
9 cies in such inspections and surveys: *Provided*, That records,  
10 the use of which is restricted by or pursuant to law or for  
11 reasons of national security or the public interest, shall be  
12 inspected or surveyed in accordance with regulations promul-  
13 gated by the Administrator, subject to the approval of the  
14 head of the custodial agency.

15 “(d) The Administrator is authorized to establish,  
16 maintain, and operate records centers for the storage, proc-  
17 essing, and servicing of records for Federal agencies pending  
18 their deposit with the National Archives of the United States  
19 or their disposition in any other manner authorized by law;  
20 and to operate centralized microfilming services for Federal  
21 agencies.

22 “(e) Subject to applicable provisions of law, the Ad-  
23 ministrator shall promulgate regulations governing the  
24 transfer of records from the custody of one executive agency  
25 to that of another.

1       “(f) The Administrator may empower any Federal  
2 agency, upon the submission of evidence of need therefor, to  
3 retain records for a longer period than that specified in dis-  
4 posal schedules approved by Congress, and, in accordance  
5 with regulations promulgated by him, may withdraw dis-  
6 posal authorizations covering records listed in disposal  
7 schedules approved by Congress.

8           “RECORDS MANAGEMENT; AGENCY HEADS

9       “SEC. 506. (a) The head of each Federal agency shall  
10 cause to be made and preserved records containing adequate  
11 and proper documentation of the organization, functions,  
12 policies, decisions, procedures, and essential transactions of  
13 the agency and designed to furnish the information necessary  
14 to protect the legal and financial rights of the Government  
15 and of persons directly affected by the agency's activities.

16       “(b) The head of each Federal agency shall establish  
17 and maintain an active, continuing program for the eco-  
18 nomical and efficient management of the records of the  
19 agency. Such program shall, among other things, provide  
20 for (1) effective controls over the creation, maintenance,  
21 and use of records in the conduct of current business; (2)  
22 cooperation with the Administrator in applying standards,  
23 procedures, and techniques designed to improve the man-  
24 agement of records, promote the maintenance and security  
25 of records deemed appropriate for preservation, and facilitate



1 the segregation and disposal of records of temporary value;  
2 and (3) compliance with the provisions of this title and the  
3 regulations issued thereunder.

4 “(c) Whenever the head of a Federal agency deter-  
5 mines that substantial economies or increased operating  
6 efficiency can be effected thereby, he shall provide for  
7 the storage, processing, and servicing of records that  
8 are appropriate therefor in a records center maintained  
9 and operated by the Administrator or, when approved by  
10 the Administrator, in such a center maintained and operated  
11 by the head of such Federal agency.

12 “(d) Any official of the Government who is authorized  
13 to certify to facts on the basis of records in his custody, is  
14 hereby authorized to certify to facts on the basis of records  
15 that have been transferred by him or his predecessors to the  
16 Administrator.

17 “(e) The head of each Federal agency shall establish  
18 such safeguards against the removal or loss of records as he  
19 shall determine to be necessary and as may be required by  
20 regulations of the Administrator. Such safeguards shall in-  
21 clude making it known to all officials and employees of the  
22 agency (1) that no records in the custody of the agency are  
23 to be alienated or destroyed except in accordance with the  
24 provisions of the Act approved July 7, 1943 (57 Stat. 380-  
25 383), as amended July 6, 1945 (59 Stat. 434), and (2)

1 the penalties provided by law for the unlawful removal or  
2 destruction of records.

3 “(f) The head of each Federal agency shall notify  
4 the Administrator of any actual, impending, or threatened  
5 unlawful removal, defacing, alteration, or destruction of  
6 records in the custody of the agency of which he is the  
7 head that shall come to his attention, and with the assist-  
8 ance of the Administrator shall initiate action through the  
9 Attorney General for the recovery of records he knows or  
10 has reason to believe have been unlawfully removed from  
11 his agency, or from any other Federal agency whose records  
12 have been transferred to his legal custody.

13 “(g) Nothing in this title shall be construed as limiting  
14 the authority of the Comptroller General of the United  
15 States with respect to prescribing accounting systems, forms,  
16 and procedures, or lessening the responsibility of collecting  
17 and disbursing officers for rendition of their accounts for  
18 settlement by the General Accounting Office.

19 “ARCHIVAL ADMINISTRATION

20 “SEC. 507. (a) The Administrator, whenever it appears  
21 to him to be in the public interest, is hereby authorized—

22 “(1) to accept for deposit with the National  
23 Archives of the United States the records of any Federal  
24 agency or of the Congress of the United States that  
25 are determined by the Archivist to have sufficient his-

1        torical or other value to warrant their continued preser-  
2        vation by the United States Government;

3        “(2) to direct and effect with the approval of the  
4        head of the originating agency (or if the existence of  
5        such agency shall have been terminated, then with the  
6        approval of his successor in function, if any) the transfer  
7        of records deposited (or approved for deposit) with the  
8        National Archives of the United States to public or  
9        educational institutions or associations: *Provided*, That  
10       the title to such records shall remain vested in the United  
11       States unless otherwise authorized by Congress; and

12       “(3) to direct and effect the transfer of materials  
13       from private sources authorized to be received by the  
14       Administrator by the provisions of subsection (e) of  
15       this section.

16       “(b) The Administrator shall be responsible for the  
17       custody, use, and withdrawal of records transferred to him:  
18       *Provided*, That whenever any records the use of which is  
19       subject to statutory limitations and restrictions are so trans-  
20       ferred, permissive and restrictive statutory provisions with  
21       respect to the examination and use of such records applicable  
22       to the head of the agency from which the records were  
23       transferred or to employees of that agency shall thereafter  
24       likewise be applicable to the Administrator, the Archivist,  
25       and to the employees of the General Services Administra-

tion, respectively: *Provided further*, That whenever the head of any agency shall specify in writing restrictions that appear to him to be necessary or desirable in the public interest, on the use or examination of records being considered for transfer from his custody to the Administrator, the Administrator shall impose such restrictions on the records so transferred, and shall not remove or relax such restrictions without the concurrence in writing of the head of the agency from which the material shall have been transferred (or if the existence of such agency shall have been terminated, then he shall not remove or release such restrictions without the concurrence of his successor in function, if any, of such agency head) : *Provided, however*, That statutory and other restrictions referred to in the provisos of this subsection shall not remain in force or effect after the records have been in existence for fifty years unless the Administrator by order shall determine with respect to specific bodies of records that such restrictions shall remain in force and effect for a longer period: *And provided further*, That restrictions on the use or examination of records deposited with the National Archives of the United States heretofore imposed and now in force and effect under the terms of section 3 of the National Archives Act, approved June 19, 1934, shall continue in force and effect regardless of the expiration of the tenure of office of the official who imposed them but may



1 be removed or relaxed by the Administrator with the con-  
2 currence in writing of the head of the agency from which  
3 material has been transferred (or if the existence of such  
4 agency shall have been terminated, then with the concurrence  
5 in writing of his successor in function, if any) .

6 “(c) The Administrator shall make provisions for the  
7 preservation, arrangement, repair and rehabilitation, dupli-  
8 cation and reproduction (including microcopy publications) ,  
9 description, and exhibition of records transferred to him as  
10 may be needful or appropriate, including the preparation  
11 and publication of inventories, indexes, catalogs, and other  
12 finding aids or guides facilitating their use; and, when ap-  
13 proved by the National Historical Publications Commission,  
14 he may also publish such historical works and collections of  
15 sources as seem appropriate for printing or otherwise record-  
16 ing at the public expense.

17 “(d) The Administrator shall make such provisions and  
18 maintain such facilities as he deems necessary or desirable  
19 for servicing records in his custody that are not exempt  
20 from examination by statutory provisions or other restric-  
21 tions.

22 “(e) The Administrator may accept for deposit—

23 “(1) the personal papers and other personal his-  
24 torical documentary materials of the present President of

1 the United States, his successors, heads of executive de-  
2 partments, and such other officials of the Government  
3 as the President may designate, offered for deposit under  
4 restrictions respecting their use specified in writing by  
5 the prospective depositors: *Provided*, That restrictions  
6 so specified on such materials, or any portions thereof,  
7 accepted by the Administrator for such deposit shall  
8 have force and effect during the lifetime of the depositor  
9 or for a period not to exceed twenty-five years, which-  
10 ever is longer, unless sooner terminated in writing by the  
11 depositor or his legal heirs: *And provided further*, That  
12 the Archivist determines that the materials accepted for  
13 such deposit will have continuing historical or other  
14 values;

15 “(2) motion-picture films, still pictures, and sound  
16 recordings from private sources that are appropriate for  
17 preservation by the Government as evidence of its or-  
18 ganization, functions, policies, decisions, procedures, and  
19 transactions.

20 “(f) The Administrator is hereby authorized to make  
21 and preserve motion-picture films, still pictures, and sound  
22 recordings pertaining to and illustrative of the historical de-  
23 velopment of the United States Government and its activities,  
24 and to make provisions for preparing, editing, titling, scoring,

1 processing, duplicating, reproducing, exhibiting, and re-  
2 leasing motion-picture films, still pictures, and sound re-  
3 cordings in his custody.

4 "REPORTS

5 "SEC. 508. (a) The Administrator is hereby author-  
6 ized to require Federal agencies to report on their activities  
7 under the provisions of this title and the Act approved July  
8 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59  
9 Stat. 434), and, whenever he deems it necessary, to issue  
10 regulations to carry out the provisions thereof, which shall  
11 be binding on all agencies.

12 "(b) The Administrator shall, whenever he finds that  
13 any provisions of this title have been or are being violated,  
14 inform in writing the head of the agency concerned of such  
15 violations and make recommendations regarding means of  
16 correcting them. Unless corrective measures satisfactory to  
17 the Administrator are inaugurated within a reasonable time,  
18 the Administrator shall submit a written report thereon to  
19 the President and the Congress.

20 "LEGAL STATUS OF REPRODUCTIONS

21 "SEC. 509. (a) Whenever any records that are re-  
22 quired by statute to be retained indefinitely have been  
23 reproduced by photographic, microphotographic, or other  
24 processes, in accordance with standards established by the  
25 Administrator, the indefinite retention of such photographic,

1 microphotographic, or other reproductions will be deemed to  
2 constitute compliance with the statutory requirement for the  
3 indefinite retention of such original records. Such reproduc-  
4 tions, as well as reproductions made in compliance with  
5 regulations promulgated to carry out this title, shall have  
6 the same legal status as the originals thereof.

7 “(b) There shall be an official seal for the National  
8 Archives of the United States which shall be judicially  
9 noticed. When any copy or reproduction, furnished under  
10 the terms hereof, is authenticated by such official seal and  
11 certified by the Administrator, such copy or reproduction  
12 shall be admitted in evidence equally with the original from  
13 which it was made.

14 “(c) The Administrator may charge a fee not in excess  
15 of 10 per centum above the costs or expenses for making  
16 or authenticating copies or reproductions of materials trans-  
17 ferred to his custody. All such fees shall be paid into,  
18 administered, and expended as a part of the National Ar-  
19 chives Trust Fund provided for in section 5 of the Act  
20 approved July 9, 1941. There shall be no charge for  
21 making or authenticating copies or reproductions of such  
22 materials for official use by the United States Government:  
23 *Provided*, That reimbursement may be accepted to cover  
24 the cost of furnishing such copies or reproductions that could  
25 not otherwise be furnished.



1                   “LIMITATION ON LIABILITY

2           “SEC. 510. With respect to letters and other intellectual  
3 productions after they come into the custody or possession  
4 of the Administrator, neither the United States nor its agents  
5 shall be liable for any infringement of literary property rights  
6 or analogous rights arising thereafter out of use of such  
7 materials for display, inspection, research, reproduction, or  
8 other purposes.

9                   “DEFINITIONS

10          “SEC. 511. When used in this title—

11          “(a) The term ‘records’ shall have the meaning given  
12 to such term by section 1 of the Act entitled ‘An Act to  
13 provide for the disposal of certain records of the United  
14 States Government’, approved July 7, 1943 (57 Stat. 380,  
15 as amended; 44 U. S. C. 366) ;

16          “(b) The term ‘records center’ means an establishment  
17 maintained by the Administrator or by an agency primarily  
18 for the storage, servicing, security, and processing of records  
19 that must be preserved for varying periods of time and need  
20 not be retained in office equipment and space ;

21          “(c) The term ‘servicing’ means making available for  
22 use information in records and other materials in the custody  
23 of the Administrator—

24               “(1) by furnishing such records or other materials,  
25 or information from such records or other materials, or

1 copies or reproductions thereof to agencies of the Govern-  
2 ment for official use and to the public; and

3 “(2) by making and furnishing authenticated or  
4 unauthenticated copies or reproductions of such records  
5 and other materials;

6 “(d) The term ‘National Archives of the United  
7 States’ means those official records that have been deter-  
8 mined by the Archivist to have sufficient historical or other  
9 value to warrant their continued preservation by the United  
10 States Government, and have been accepted by the Admin-  
11 istrator for deposit in his custody;

12 “(e) The term ‘unauthenticated copies’ means exact  
13 copies or reproductions of records or other materials that are  
14 not certified as such under seal and that need not be legally  
15 accepted as evidence; and

16 “(f) The term ‘Archivist’ means the Archivist of the  
17 United States.”

18 SEC. 7. The Federal Property and Administrative  
19 Services Act of 1949 is further amended by—

20 (a) striking out the word “and” preceding “(2)”  
21 in subsection (d) of section 3 thereof; substituting a  
22 semicolon for the period at the end of said subsection;  
23 and adding at the end of such subsection the following:  
24 “and (3) records of the Federal Government.”;

25 (b) striking out, in section 208 (a) thereof, the

1 expression “and V”, and inserting in lieu thereof the  
2 expression “V, and VI”;

3 (c) striking out, in section 208 (b) thereof, the  
4 expression “and V”, and inserting in lieu thereof the  
5 expression “V, and VI”;

6 (d) striking out the word “and” at the end of  
7 paragraph (30) of section 602 (a) ; striking out the  
8 period at the end of paragraph (31) of section 602 (a)  
9 and inserting in lieu thereof a semicolon; and adding  
10 at the end of section 602 (a) the following new  
11 paragraphs:

12 “(32) the Act entitled ‘An Act to establish a  
13 National Archives of the United States Government,  
14 and for other purposes’, approved June 19, 1934 (48  
15 Stat. 1122-1124, as amended; 44 U. S. C. 300, 300a,  
16 300c-k) ; and

17 “(33) section 4 of the Act of February 3, 1905,  
18 (33 Stat. 687, as amended; 5 U. S. C. 77).”

19 (e) amending subsections 602 (b) and (c) thereof  
20 to read as follows:

21 “(b) There are hereby superseded—

22 “(1) the provisions of the first, third, and fifth  
23 paragraphs of section 1 of Executive Order Numbered  
24 6166 of June 10, 1933, insofar as they relate to any  
25 function now administered by the Bureau of Federal

1       Supply except functions with respect to standard con-  
2       tract forms; and

3           “(2) sections 2 and 4 of the Act entitled ‘An Act  
4       to provide for the disposal of certain records of the  
5       United States Government’, approved July 7, 1943  
6       (57 Stat. 381, as amended; 44 U. S. C. 367 and 369),  
7       to the extent that the provisions thereof are inconsistent  
8       with the provisions of title V of this Act.

9           “(c) The authority conferred by this Act shall be in  
10       addition and paramount to any authority conferred by any  
11       other law and shall not be subject to the provisions of any law  
12       inconsistent herewith, except that sections 205 (b) and  
13       206 (c) of this Act shall not be applicable to any Govern-  
14       ment corporation or agency which is subject to the Govern-  
15       ment Corporation Control Act (59 Stat. 597; 31 U. S. C.  
16       841).”

17           (f) amending paragraphs (17), (18), and (19)  
18       of section 602 (d) thereof to read as follows:

19           “(17) the Central Intelligence Agency;

20           “(18) the Joint Committee on Printing, under the  
21       Act entitled ‘An Act providing for the public printing  
22       and binding and the distribution of public documents’,  
23       approved January 12, 1895 (28 Stat. 601), as amended,  
24       or any other Act; or

25           “(19) for such period of time as the President may



1 specify, any other authority of any executive agency  
2 which the President determines within one year after the  
3 effective date of this Act should, in the public interest,  
4 stand unimpaired by this Act.”

5 (g) striking out the period at the end of section  
6 603 (a) thereof and inserting in lieu thereof a comma  
7 and the following: “including payment in advance, when  
8 authorized by the Administrator, for library member-  
9 ships in societies whose publications are available to  
10 members only, or to members at a price lower than  
11 that charged to the general public.”

12 SEC. 8. (a) Subsection 3 (b) of the Federal Property  
13 and Administrative Services Act of 1949 is amended to read  
14 as follows:

15 “(b) The term ‘Federal agency’ means any executive  
16 agency or any establishment in the legislative or judicial  
17 branch of the Government (except the Senate, the House of  
18 Representatives, and the Architect of the Capitol and any  
19 activities under his direction).”

20 (b) Section 201 (b) of the Federal Property and  
21 Administrative Services Act of 1949 is amended by striking  
22 out the expression “or the Senate, or the House of Repre-  
23 sentatives,”.

1 (c) Section 602 of the Federal Property and Admin-  
2 istrative Services Act of 1949 is amended by redesignating  
3 subsection (e) thereof as subsection (f), and inserting,  
4 immediately after subsection (d) thereof, the following new  
5 subsection:

6 “(e) No provision of this Act as originally enacted  
7 or as subsequently amended shall apply to the Senate or  
8 the House of Representatives (including the Architect of  
9 the Capitol and any building, activity, or function under his  
10 direction), but any of the services and facilities authorized  
11 by this Act to be rendered or furnished shall, as far as prac-  
12 ticable, be made available to the Senate, the House of Repre-  
13 sentatives, or the Architect of the Capitol, upon their re-  
14 quest. If payment would be required for the rendition  
15 or furnishing of a similar service or facility to an executive  
16 agency, payment therefor shall be made by the recipient  
17 thereof, upon presentation of proper vouchers, in advance or  
18 by reimbursement (as may be agreed upon by the Admin-  
19 istrator and the officer or body making such request). Such  
20 payment may be credited to the applicable appropriation  
21 of the executive agency receiving such payment. Notwith-  
22 standing the provisions of this subsection, subsection 210  
23 (b) and subsection 210 (c) of this Act shall not apply to

1 any building, project or grounds, or to any activity, hereto-  
2 fore placed under the Architect of the Capitol by any  
3 provision of law.”

4       SEC. 9. All laws or parts of laws in conflict with the  
5 amendments made by this Act are, to the extent of such  
6 conflict, hereby repealed.





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## A BILL

To amend the Federal Property and Administrative Services Act of 1949, and for other purposes.

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By Mr. McCLELLAN

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JUNE 28 (legislative day, JUNE 7), 1950  
Read twice and referred to the Committee on  
Expenditures in the Executive Departments





81<sup>ST</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 9129

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## IN THE HOUSE OF REPRESENTATIVES

JULY 17, 1950

Mr. BOLLING introduced the following bill; which was referred to the Committee on Expenditures in the Executive Departments

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## A BILL

To amend the Federal Property and Administrative Services Act of 1949, and for other purposes.

1     *Be it enacted by the Senate and House of Representa-*  
2     *tives of the United States of America in Congress assembled,*

3     That the parenthetical expression appearing in clause (1)  
4     of the final sentence of subsection (a) of section 109 of  
5     the Federal Property and Administrative Services Act of  
6     1949 (Public Law 152, Eighty-first Congress) is amended  
7     to read as follows:

8     “(including the purchase from or through the Public Printer  
9     for warehouse issue of standard forms, blankbook work,  
10    standard specifications, and other printed material in com-  
11    mon use by Federal agencies not available through the  
12    Superintendent of Documents).”



1        SEC. 2. (a) Clause (2) of the final sentence of sub-  
2 section (a) of section 109 of the Federal Property and  
3 Administrative Services Act of 1949, as hereinbefore  
4 amended, is amended to read as follows: "(2) for paying  
5 the purchase price, transportation to first storage point of  
6 supplies and services, and the cost of personal services em-  
7 ployed directly in the repair, rehabilitation, and conversion  
8 of personal property."

9        (b) The third sentence of subsection (b) of section  
10 109 of such Act is amended to read as follows: "On and  
11 after such date, such prices shall be fixed at levels so as to  
12 recover so far as practicable the applicable purchase price,  
13 the transportation cost to first storage point, inventory losses,  
14 the cost of personal services employed directly in the repair,  
15 rehabilitation, and conversion of personal property, and the  
16 cost of amortization and repair of equipment utilized for  
17 lease or rent to executive agencies."

18        (c) The amendments made by this section shall be  
19 effective on the date, not earlier than July 1, 1950, on which  
20 the Administrator of General Services shall determine that  
21 appropriated funds adequate to effectuate the purposes of  
22 such amendments have been made available.

23        SEC. 3. (a) The final sentence of subsection (b) of  
24 section 109 of the Federal Property and Administrative

1 Services Act of 1949 is amended to read as follows: "Where  
2 an advance of funds is not made, the General Services Ad-  
3 ministration shall be reimbursed promptly out of funds of the  
4 requisitioning agency in accordance with accounting pro-  
5 cedures approved by the Comptroller General: *Provided*,  
6 That in any case where payment shall not have been made  
7 by the requisitioning agency within forty-five days after  
8 the date of billing by the Administrator or the date on which  
9 an actual liability for supplies or services is incurred by  
10 the Administrator, whichever is the later, reimbursement  
11 may be obtained by the Administrator by the issuance of  
12 transfer and counterwarrants, or other lawful transfer docu-  
13 ments, supported by itemized invoices."

14 (b) Section 109 of the Federal Property and Ad-  
15 ministrative Services Act of 1949 is amended by adding  
16 at the end thereof the following new subsection:

17 "(g) The Administrator of General Services is author-  
18 ized in his discretion to charge vendors and producers of  
19 commodities considered for purchase such fees as he shall  
20 determine to be reasonable for testing such commodities for  
21 conformance to specifications and standards, and such fees  
22 may be deposited in the General Supply Fund and used to  
23 defray the expenses of conducting such tests as the Adminis-  
24 trator may prescribe."

1        SEC. 4. Paragraphs (1) and (2) of section 203 (j) of  
2 the Federal Property and Administrative Services Act of  
3 1949 are amended to read as follows:

4        “(1) Under such regulations as he may prescribe, the  
5 Administrator is authorized in his discretion to donate for  
6 educational purposes or public health purposes, including  
7 research, in the States, Territories, and possessions without  
8 cost (except for costs of care and handling) such equipment,  
9 materials, books, or other supplies under the control of  
10 any executive agency as shall have been determined to be  
11 surplus property and which shall have been determined under  
12 paragraph (2) or paragraph (3) of this subsection to be  
13 usable and necessary for educational purposes or public  
14 health purposes, including research.

15        “(2) Determination whether such surplus property  
16 (except surplus property donated in conformity with para-  
17 graph (3) of this subsection) is usable and necessary for  
18 educational purposes or public health purposes, including  
19 research, shall be made by the Federal Security Admin-  
20 istrator, who shall allocate such property on the basis of  
21 needs and utilization for transfer by the Administrator  
22 of General Services to tax-supported medical institutions,  
23 hospitals, clinics, health centers, school systems, schools,  
24 colleges, and universities, and to other nonprofit medical in-  
25 stitutions, hospitals, clinics, health centers, schools, colleges,

1 and universities which have been held exempt from taxation  
 2 under section 101 (6) of the Internal Revenue Code,  
 3 or to State departments of education or health for dis-  
 4 tribution to such tax-supported and nonprofit medical insti-  
 5 tutions, hospitals, clinics, health centers, school systems,  
 6 schools, colleges, and universities; except that in any State  
 7 where another agency is designated by State law for such  
 8 purpose such transfer shall be made to said agency for such  
 9 distribution within the State.”

10 SEC. 5. The Federal Property and Administrative Serv-  
 11 ices Act of 1949 is amended by—

12 (a) redesignating section 210 thereof as section  
 13 212, and wherever such section number appears in such  
 14 Act as originally enacted, it is amended to conform to  
 15 the redesignation prescribed by this subsection;

16 (b) inserting in the table of contents appearing in  
 17 the first section of such Act, immediately after the line  
 18 in which “Sec. 209.” appears, the following:

“Sec. 210. Operation of buildings and related activities.

“Sec. 211. Motor vehicle identification.”

19 (c) inserting, immediately after section 209  
 20 thereof, the following new sections:

21 “OPERATION OF BUILDINGS AND RELATED ACTIVITIES

22 “SEC. 210. (a) Whenever and to the extent that the  
 23 Administrator has been or hereafter may be authorized by



1 any provision of law other than this subsection to main-  
2 tain, operate, and protect any building, property, or grounds  
3 situated in or outside the District of Columbia, including the  
4 construction, repair, preservation, demolition, furnishing, and  
5 equipment thereof, he is authorized in the discharge of the  
6 duties so conferred upon him—

7 “(1) to purchase, repair, and clean uniforms for  
8 civilian employees of the General Services Administra-  
9 tion who are required by law or regulation to wear  
10 uniform clothing;

11 “(2) to furnish arms and ammunition for the pro-  
12 tection force maintained by the General Services Ad-  
13 ministration;

14 “(3) to pay ground rent for buildings owned by  
15 the United States or occupied by Federal agencies, and  
16 to pay such rent in advance when required by law or  
17 when the Administrator shall determine such action to  
18 be in the public interest;

19 “(4) to employ and pay personnel employed in  
20 connection with the functions of operation, maintenance,  
21 and protection of property at such per diem rates as  
22 may be approved by the Administrator, not exceeding  
23 rates currently paid by private industry for similar serv-  
24 ices in the place where such services are performed;

25 “(5) without regard to the provisions of section 322

1 of the Act of June 30, 1932 (47 Stat. 412), as amend-  
2 ed, to pay rental, and to make repairs, alterations, and  
3 improvements under the terms of any lease entered into  
4 by, or transfer to, the General Service Administra-  
5 tion for the housing of any Federal agency which on  
6 June 30, 1950, was specifically exempted by law from  
7 to requirements of said section;

8 “(6) to obtain payments, through advances or  
9 otherwise, for services, space, quarters, maintenance,  
10 repair, or other facilities furnished, on a reimbursable  
11 basis, to any other Federal agency, or any mixed-owner-  
12 ship corporation (as defined in the Government Cor-  
13 poration Control Act), or the District of Columbia, and  
14 to credit such payments to the applicable appropriation  
15 of the General Services Administration;

16 “(7) to make changes in, maintain, and repair the  
17 pneumatic tube system connecting buildings owned by  
18 the United States or occupied by Federal agencies in  
19 New York City installed under franchise of the city of  
20 New York, approved June 29, 1909, and June 11,  
21 1928, and to make payments of any obligations arising  
22 thereunder in accordance with the provisions of the Acts  
23 approved August 5, 1909 (36 Stat. 120), and May  
24 15, 1928 (45 Stat. 533) ;

25 “(8) to repair, alter, and improve rented premises,

1 without regard to the 25 per centum limitation of sec-  
2 tion 322 of the Act of June 30, 1932 (47 Stat. 412),  
3 as amended, upon a determination by the Administrator  
4 that by reason of circumstances set forth in such de-  
5 termination the execution of such work, without ref-  
6 erence to such limitation, is advantageous to the Govern-  
7 ment in terms of economy, efficiency, or national  
8 security. A copy of every such determination shall be  
9 furnished to the General Accounting Office;

10 “(9) to pay sums in lieu of taxes on real property  
11 declared surplus by Government corporations, pursuant  
12 to the Surplus Property Act of 1944, where legal title  
13 to such property remains in any such Government  
14 corporation;

15 “(10) to furnish utilities and other services where  
16 such utilities and other services are not provided from  
17 other sources to persons, firms, or corporations occupy-  
18 ing or utilizing plants or portions of plants which con-  
19 stitute (A) a part of the National Industrial Reserve  
20 pursuant to the National Industrial Reserve Act of  
21 1948, or (B) surplus real property, and to credit the  
22 amounts received therefrom to the applicable appropria-  
23 tion of the General Services Administration;

24 “(11) at the direction of the Secretary of Defense,  
25 to use proceeds received from insurance against damage

1 to properties of the National Industrial Reserve for re-  
2 pair or restoration of the damaged properties; and

3 “(12) to acquire, by purchase, condemnation, or  
4 otherwise, real estate and interests therein.

5 “(b) At the request of any Federal agency or any  
6 mixed-ownership corporation (as defined in the Govern-  
7 ment Corporation Control Act), or the District of Columbia,  
8 the Administrator is hereby authorized to operate, maintain,  
9 and protect any building owned by the United States (or,  
10 in the case of any wholly owned or mixed-ownership Gov-  
11 ernment corporation, by such corporation) and occupied by  
12 the agency or instrumentality making such request.

13 “(c) At the request of any Federal agency or any  
14 mixed-ownership corporation (as defined in the Govern-  
15 ment Corporation Control Act), the District of Columbia,  
16 the Administrator is hereby authorized (1) to acquire land  
17 for buildings and projects authorized by the Congress; (2)  
18 to make or cause to be made, under contract or otherwise,  
19 surveys and test borings and to prepare plans and specifica-  
20 tions for such buildings and projects prior to the approval by  
21 the Attorney General of the title to the sites thereof; and  
22 (3) to contract for, and to supervise, the construction and  
23 development and the equipping of such buildings or projects.

24 Any sum available to any such Federal agency or instru-



1 mentality for any such building or project may be trans-  
2 ferred by such agency to the General Services Administra-  
3 tion in advance for such purposes as the Administrator shall  
4 determine to be necessary, including the payment of salaries  
5 and expenses of personnel engaged in the preparation of  
6 plans and specifications or in field supervision, and for gen-  
7 eral office expenses to be incurred in the rendition of any  
8 such service.

9 “(d) Whenever the Director of the Bureau of the  
10 Budget shall determine such action to be in the interest of  
11 economy or efficiency, he shall transfer to the Administrator  
12 all functions then vested in any other Federal agency with  
13 respect to the operation, maintenance, and custody of any  
14 office building owned by the United States or any wholly  
15 owned Government corporation, or any office building or part  
16 thereof occupied by any Federal agency under any lease,  
17 except that no transfer shall be made under this subsection—

18 “(1) of any post-office building unless the Director  
19 shall first determine that such building is not used pre-  
20 dominantly for post-office purposes, and functions which  
21 are transferred hereunder to the Administrator with  
22 respect to any post-office building may be delegated by  
23 him only to another officer or employee of the General  
24 Services Administration or to the Postmaster General;

1           “(2) of any building located in any foreign country ;

2           “(3) of any building located on the grounds of any  
3 fort, camp, post, arsenal, navy yard, naval training  
4 station, airfield, proving ground, military supply depot,  
5 or school, or of any similar facility of the Department  
6 of Defense, unless and to such extent as a permit for  
7 its use by another agency or agencies shall have been  
8 issued by the Secretary of Defense or his duly authorized  
9 representative ;

10          “(4) of any building which the Director of the  
11 Bureau of the Budget finds to be a part of a group of  
12 buildings which are (A) located in the same vicinity,  
13 (B) utilized wholly or predominantly for the special  
14 purposes of the agency having custody thereof, and  
15 (C) not generally suitable for the use of other agencies ;

16          “(5) of the Treasury Building, the Bureau of En-  
17 graving and Printing Building, the buildings occupied  
18 by the National Bureau of Standards, and the buildings  
19 under the jurisdiction of the regents of the Smithsonian  
20 Institution ; or

21          “(6) of the office buildings of the Senate and House  
22 of Representatives, the building occupied by the Su-  
23 preme Court of the United States, the buildings occu-  
24 pied by the Library of Congress and the Columbia

1 Hospital in the District of Columbia, and any other  
2 buildings and grounds under the jurisdiction of the  
3 Architect of the Capitol.

4 "MOTOR VEHICLE IDENTIFICATION

5 "SEC. 211. Under regulations prescribed by the Admin-  
6 istrator, every motor vehicle acquired and used for official  
7 purposes within the United States, its Territories, or posses-  
8 sions, by any Federal agency or the District of Columbia  
9 shall be conspicuously identified by showing thereon either  
10 (a) the full name of the department, establishment, corpo-  
11 ration, or agency by which it is used and the service in  
12 which it is used, or (b) a title descriptive of the service in  
13 which it is used if such title readily identifies the department,  
14 establishment, corporation, or agency concerned: *Provided*,  
15 That the regulations issued pursuant to this section may  
16 provide for exemptions from the requirement of this section  
17 when conspicuous identification would interfere with the pur-  
18 pose for which a vehicle is acquired and used."

19 SEC. 6. The Federal Property and Administrative Serv-  
20 ices Act of 1949 is amended by—

21 (a) redesignating "title V" of such Act as "title  
22 VI" thereof, and "title V", wherever it appears therein,  
23 is amended to read "title VI";

24 (b) redesignating sections 501-505, inclusive, of  
25 such Act, respectively, as sections 601-605, inclusive,

thereof, and wherever any such section number appears in such Act as originally enacted, it is amended to conform in numbering to the redesignation prescribed by this subsection;

(c) inserting at the proper place in the table of contents to such Act the following:

“TITLE V—FEDERAL RECORDS

“Sec. 501. Short title.

“Sec. 502. Custody and control of property.

“Sec. 503. National Historical Publications Commission.

“Sec. 504. Federal Records Council.

“Sec. 505. Records management; the Administrator.

“Sec. 506. Records management; agency heads.

“Sec. 507. Archival administration.

“Sec. 508. Reports.

“Sec. 509. Legal status of reproductions.

“Sec. 510. Limitation on liability.

“Sec. 511. Definitions.”

(d) inserting, immediately following title IV thereof, the following new title:

“TITLE V—FEDERAL RECORDS

“SHORT TITLE

“SEC. 501. This title may be cited as the ‘Federal Records Act of 1950’.

“CUSTODY AND CONTROL OF PROPERTY

“SEC. 502. The Administrator shall have immediate custody and control of the National Archives Building and its contents, and shall have authority to design, construct, purchase, lease, maintain, operate, protect, and improve buildings used by him for the storage of records of Federal agencies in the District of Columbia and elsewhere,



## 1       “NATIONAL HISTORICAL PUBLICATIONS COMMISSION

2       “SEC. 503. (a) There is hereby created a National  
3 Historical Publications Commission consisting of the  
4 Archivist (or an alternate designated by him), who shall  
5 be Chairman; the Librarian of Congress (or an alternate  
6 designated by him); one Member of the United States  
7 Senate to be appointed, for a term of four years, by the  
8 President of the Senate; one Member of the House of  
9 Representatives to be appointed, for a term of two years,  
10 by the Speaker of the House of Representatives; one repre-  
11 sentative of the judicial branch of the Government to be  
12 appointed, for a term of four years, by the Chief Justice  
13 of the United States; one representative of the Department of  
14 State to be appointed, for a term of four years, by the Secre-  
15 tary of State; one representative of the Department of De-  
16 fense to be appointed, for a term of four years, by the Secre-  
17 tary of Defense; two members of the American Historical  
18 Association to be appointed council of the said association,  
19 one of whom shall serve an initial term of two years and  
20 the other an initial term of three years, but their successors  
21 shall be appointed for terms of four years; and two other  
22 members outstanding in the fields of the social or physical  
23 sciences to be appointed by the President of the United  
24 States, one of whom shall serve an initial term of one year  
25 and the other an initial term of three years, but their suc-

1 cessors shall be appointed for terms of four years. The  
2 Commission shall meet annually and on call of the  
3 Chairman.

4 “(b) Any person appointed to fill a vacancy in the  
5 membership of the Commission shall be appointed only for  
6 the unexpired term of the member whom he shall succeed,  
7 and his appointment shall be made in the same manner in  
8 which the appointment of his predecessor was made.

9 “(c) The Commission is authorized to appoint, without  
10 reference to the Classification Act of 1949 (Public Law  
11 429, 81st Congress, approved October 28, 1949), an execu-  
12 tive director and such editorial and clerical staff as the Com-  
13 mission may determine to be necessary. Members of the  
14 Commission who represent any branch or agency of the  
15 Government shall serve as members of the Commission  
16 without additional compensation. All members of the Com-  
17 mission shall be reimbursed for transportation expenses  
18 incurred in attending meetings of the Commission, and all  
19 such members other than those who represent any branch  
20 or agency of the Government of the United States shall  
21 receive in lieu of subsistence en route to or from or at the  
22 place of such service, for each day actually spent in connec-  
23 tion with the performance of their duties as members of  
24 such Commission, such sum, not to exceed \$25, as the  
25 Administrator shall prescribe.

1       “(d) The Commission shall make plans, estimates, and  
2 recommendations for such historical works and collections  
3 of sources as it deems appropriate for printing or otherwise  
4 recording at the public expense. The Commission shall also  
5 cooperate with and encourage appropriate Federal, State,  
6 and local agencies and nongovernmental institutions,  
7 societies and individuals in collecting and preserving and,  
8 when it deems such action to be desirable, in editing and  
9 publishing the papers of outstanding citizens of the United  
10 States and such other documents as may be important for  
11 an understanding and appreciation of the history of the  
12 United States. The Chairman of the Commission shall  
13 transmit to the Administrator from time to time and at least  
14 once annually, such plans, estimates, and recommendations  
15 as have been approved by the Commission.

16                               “FEDERAL RECORDS COUNCIL

17       “SEC. 504. The Administrator shall establish a Federal  
18 Records Council, and shall advise and consult with the  
19 Council with a view to obtaining its advice and assistance  
20 in carrying out the purposes of this title. The Council shall  
21 include representatives of the legislative, judicial, and  
22 executive branches of the Government in such number as  
23 the Administrator shall determine, but such Council shall  
24 include at least four representatives of the legislative branch,  
25 at least two representatives of the judicial branch and at

1 least six representatives of the executive branch. Members  
2 of the Council representing the legislative branch shall be  
3 designated, in equal number, by the President of the Senate  
4 and the Speaker of the House of Representatives. Members  
5 of the Council representing the judicial branch shall be  
6 designated by the Chief Justice of the United States.  
7 The Administrator is authorized to designate from persons  
8 named by the head of any executive agency concerned,  
9 not more than one representative from such agency to serve  
10 as a member of the Council. Members of the Council  
11 shall serve without compensation, but shall be reimbursed  
12 for all necessary expenses actually incurred in the perform-  
13 ance of their duties as members of the Council. The Council  
14 shall elect a chairman from among its own membership,  
15 and shall meet at least once annually.

16 "RECORDS MANAGEMENT; THE ADMINISTRATOR

17 "SEC. 505. (a) The Administrator shall make provi-  
18 sions for the economical and efficient management of records  
19 of Federal agencies (1) by analyzing, developing, promot-  
20 ing, and coordinating standards, procedures, and techniques  
21 designed to improve the management of records, to insure  
22 the maintenance and security of records deemed appropriate  
23 for preservation, and to facilitate the segregation and dis-  
24 posal of records of temporary value, and (2) by promoting



1 the efficient and economical utilization of space, equipment,  
2 and supplies needed for the purpose of creating, maintaining,  
3 storing, and servicing records.

4 “(b) The Administrator shall establish standards for  
5 the selective retention of records of continuing value, and  
6 assist Federal agencies in applying such standards to records  
7 in their custody; and he shall notify the head of any Federal  
8 agency of any actual, impending, or threatened unlawful  
9 removal, defacing, alteration, or destruction of records in the  
10 custody of such agency that shall come to his attention, and  
11 assist the head of such agency in initiating action through  
12 the Attorney General for the recovery of such records as shall  
13 have been unlawfully removed and for such other redress  
14 as may be provided by law.

15 “(c) The Administrator is authorized to inspect or  
16 survey personally or by deputy the records of any Federal  
17 agency, as well as to make surveys of records management  
18 and records disposal practices in such agencies, and shall be  
19 given the full cooperation of officials and employees of agen-  
20 cies in such inspections and surveys: *Provided*, That records,  
21 the use of which is restricted by or pursuant to law or for  
22 reasons of national security or the public interest, shall be  
23 inspected or surveyed in accordance with regulations promul-

1 gated by the Administrator, subject to the approval of the  
2 head of the custodial agency.

3 “(d) The Administrator is authorized to establish,  
4 maintain, and operate records centers for the storage, proc-  
5 essing, and servicing of records for Federal agencies pending  
6 their deposit with the National Archives of the United States  
7 or their disposition in any other manner authorized by law;  
8 and to establish, maintain, and operate centralized micro-  
9 filming services for Federal agencies.

10 “(e) Subject to applicable provisions of law, the Ad-  
11 ministrator shall promulgate regulations governing the  
12 transfer of records from the custody of one executive agency  
13 to that of another.

14 “(f) The Administrator may empower any Federal  
15 agency, upon the submission of evidence of need therefor, to  
16 retain records for a longer period than that specified in dis-  
17 posal schedules approved by Congress, and, in accordance  
18 with regulations promulgated by him, may withdraw dis-  
19 posal authorizations covering records listed in disposal  
20 schedules approved by Congress.

21 “RECORDS MANAGEMENT; AGENCY HEADS

22 “SEC. 506. (a) The head of each Federal agency shall  
23 cause to be made and preserved records containing adequate

1 and proper documentation of the organization, functions,  
2 policies, decisions, procedures, and essential transactions of  
3 the agency and designed to furnish the information necessary  
4 to protect the legal and financial rights of the Government  
5 and of persons directly affected by the agency's activities.

6       “(b) The head of each Federal agency shall establish  
7 and maintain an active, continuing program for the eco-  
8 nomical and efficient management of the records of the  
9 agency. Such program shall, among other things, provide  
10 for (1) effective controls over the creation, maintenance,  
11 and use of records in the conduct of current business; (2)  
12 cooperation with the Administrator in applying standards,  
13 procedures, and techniques designed to improve the manage-  
14 ment of records, promote the maintenance and security  
15 of records deemed appropriate for preservation, and facilitate  
16 the segregation and disposal of records of temporary value;  
17 and (3) compliance with the provisions of this title and the  
18 regulations issued thereunder.

19       “(c) Whenever the head of a Federal agency deter-  
20 mines that substantial economies or increased operating  
21 efficiency can be effected thereby, he shall provide for  
22 the storage, processing, and servicing of records that  
23 are appropriate therefor in a records center maintained  
24 and operated by the Administrator or, when approved by

1 the Administrator, in such a center maintained and operated  
2 by the head of such Federal agency.

3 “(d) Any official of the Government who is authorized  
4 to certify to facts on the basis of records in his custody, is  
5 hereby authorized to certify to facts on the basis of records  
6 that have been transferred by him or his predecessors to the  
7 Administrator.

8 “(e) The head of each Federal agency shall establish  
9 such safeguards against the removal or loss of records as he  
10 shall determine to be necessary and as may be required by  
11 regulations of the Administrator. Such safeguards shall in-  
12 clude making it known to all officials and employees of the  
13 agency (1) that no records in the custody of the agency are  
14 to be alienated or destroyed except in accordance with the  
15 provisions of the Act approved July 7, 1943 (57 Stat. 380-  
16 383), as amended July 6, 1945 (59 Stat. 434), and (2)  
17 the penalties provided by law for the unlawful removal or  
18 destruction of records.

19 “(f) The head of each Federal agency shall notify  
20 the Administrator of any actual, impending, or threatened  
21 unlawful removal, defacing, alteration, or destruction of  
22 records in the custody of the agency of which he is the  
23 head that shall come to his attention, and with the assist-  
24 ance of the Administrator shall initiate action through the



1 Attorney General for the recovery of records he knows or  
2 has reason to believe have been unlawfully removed from  
3 his agency, or from any other Federal agency whose records  
4 have been transferred to his legal custody.

5 “(g) Nothing in this title shall be construed as limiting  
6 the authority of the Comptroller General of the United States  
7 with respect to prescribing accounting systems, forms, and  
8 procedures, or lessening the responsibility of collecting and  
9 disbursing officers for rendition of their accounts for settlement  
10 by the General Accounting Office.

11 “ARCHIVAL ADMINISTRATION

12 “SEC. 507. (a) The Administrator, whenever it appears  
13 to him to be in the public interest, is hereby authorized—

14 “(1) to accept for deposit with the National  
15 Archives of the United States the records of any Federal  
16 agency or of the Congress of the United States that  
17 are determined by the Archivist to have sufficient his-  
18 torical or other value to warrant their continued preser-  
19 vation by the United States Government;

20 “(2) to direct and effect, with the approval of the  
21 head of the originating agency (or if the existence of  
22 such agency shall have been terminated, then with the  
23 approval of his successor in function, if any), the trans-  
24 fer of records deposited (or approved for deposit) with  
25 the National Archives of the United States to public

or educational institutions or associations: *Provided*,  
That the title to such records shall remain vested in the  
United States unless otherwise authorized by Congress;  
and

“(3) to direct and effect the transfer of materials  
from private sources authorized to be received by the  
Administrator by the provisions of subsection (e) of  
this section.

“(b) The Administrator shall be responsible for the  
custody, use, and withdrawal of records transferred to him:  
*Provided*, That whenever any records the use of which is  
subject to statutory limitations and restrictions are so trans-  
ferred, permissive and restrictive statutory provisions with  
respect to the examination and use of such records applicable  
to the head of the agency from which the records were  
transferred or to employees of that agency shall thereafter  
likewise be applicable to the Administrator, the Archivist,  
and to the employees of the General Services Administra-  
tion, respectively: *Provided further*, That whenever the head  
of any agency shall specify in writing restrictions that appear  
to him to be necessary or desirable in the public interest,  
on the use or examination of records being considered for  
transfer from his custody to the Administrator, the Ad-  
ministrator shall impose such restrictions on the records so  
transferred, and shall not remove or relax such restrictions

1 without the concurrence in writing of the head of the agency  
2 from which the material shall have been transferred (or if  
3 the existence of such agency shall have been terminated,  
4 then he shall not remove or relax such restrictions without  
5 the concurrence of the successor in function, if any, of such  
6 agency head) : *Provided, however,* That statutory and other  
7 restrictions referred to in the provisos of this subsection shall  
8 not remain in force or effect after the records have been in  
9 existence for fifty years unless the Administrator by order  
10 shall determine with respect to specific bodies of records  
11 that such restrictions shall remain in force and effect for a  
12 longer period: *And provided further,* That restrictions on  
13 the use or examination of records deposited with the National  
14 Archives of the United States heretofore imposed and now  
15 in force and effect under the terms of section 3 of the  
16 National Archives Act, approved June 19, 1934, shall con-  
17 tinue in force and effect regardless of the expiration of the  
18 tenure of office of the official who imposed them but may  
19 be removed or relaxed by the Administrator with the con-  
20 currence in writing of the head of the agency from which  
21 material has been transferred (or if the existence of such  
22 agency shall have been terminated, then with the concur-  
23 rence in writing of his successor in function, if any).

24 “(c) The Administrator shall make provisions for the  
25 preservation, arrangement, repair and rehabilitation, dupli-

1 cation and reproduction (including microcopy publications),  
2 description, and exhibition of records transferred to him as  
3 may be needful or appropriate, including the preparation  
4 and publication of inventories, indexes, catalogs, and other  
5 finding aids or guides facilitating their use; and, when ap-  
6 proved by the National Historical Publications Commission,  
7 he may also publish such historical works and collections of  
8 sources as seem appropriate for printing or otherwise record-  
9 ing at the public expense.

10 “(d) The Administrator shall make such provisions and  
11 maintain such facilities as he deems necessary or desirable  
12 for servicing records in his custody that are not exempt  
13 from examination by statutory provisions, or other restric-  
14 tions.

15 “(e) The Administrator may accept for deposit—

16 “(1) the personal papers and other personal his-  
17 torical documentary materials of the present President of  
18 the United States, his successors, heads of executive de-  
19 partments, and such other officials of the Government  
20 as the President may designate, offered for deposit under  
21 restrictions respecting their use specified in writing by  
22 the prospective depositors: *Provided*, That restrictions  
23 so specified on such materials, or any portions thereof,  
24 accepted by the Administrator for such deposit shall  
25 have force and effect during the lifetime of the depositor



1 or for a period not to exceed twenty-five years, which-  
2 ever is longer, unless sooner terminated in writing by the  
3 depositor or his legal heirs: *And provided further*, That  
4 the Archivist determines that the materials accepted for  
5 such deposit will have continuing historical or other  
6 values;

7 “(2) motion-picture films, still pictures, and sound  
8 recordings from private sources that are appropriate for  
9 preservation by the Government as evidence of its or-  
10 ganization, functions, policies, decisions, procedures, and  
11 transactions.

12 Title to materials so deposited under this subsection  
13 shall pass to and vest in the United States.

14 “(f) The Administrator is hereby authorized to make  
15 and preserve motion-picture films, still pictures, and sound  
16 recordings pertaining to and illustrative of the historical de-  
17 velopment of the United States Government and its activities,  
18 and to make provisions for preparing, editing, titling, scoring,  
19 processing, duplicating, reproducing, exhibiting, and re-  
20 leasing for nonprofit educational purposes, motion-picture  
21 films, still pictures, and sound recordings in his custody.

22 “REPORTS

23 “SEC. 508. (a) The Administrator is hereby author-  
24 ized, whenever he deems it necessary, to obtain reports from  
25 Federal agencies on their activities under the provisions of

1 this title and the Act approved July 7, 1943 (57 Stat.  
2 380-383), as amended July 6, 1945 (59 Stat. 434).

3 “(b) The Administrator shall, whenever he finds that  
4 any provisions of this title have been or are being violated,  
5 inform in writing the head of the agency concerned of such  
6 violations and make recommendations regarding means of  
7 correcting them. Unless corrective measures satisfactory to  
8 the Administrator are inaugurated within a reasonable time,  
9 the Administrator shall submit a written report thereon to  
10 the President and the Congress.

11 “LEGAL STATUS OF REPRODUCTIONS

12 “SEC. 509. (a) Whenever any records that are re-  
13 quired by statute to be retained indefinitely have been  
14 reproduced by photographic, microphotographic, or other  
15 processes, in accordance with standards established by the  
16 Administrator, the indefinite retention of such photographic,  
17 microphotographic, or other reproductions will be deemed to  
18 constitute compliance with the statutory requirement for the  
19 indefinite retention of such original records. Such reproduc-  
20 tions, as well as reproductions made in compliance with  
21 regulations promulgated to carry out this title, shall have  
22 the same legal status as the originals thereof.

23 “(b) There shall be an official seal for the National  
24 Archives of the United States which shall be judicially  
25 noticed. When any copy or reproduction, furnished under

1 the terms hereof, is authenticated by such official seal and  
2 certified by the Administrator, such copy or reproduction  
3 shall be admitted in evidence equally with the original from  
4 which it was made.

5 “(c) The Administrator may charge a fee not in excess  
6 of 10 per centum above the costs or expenses for making  
7 or authenticating copies or reproductions of materials trans-  
8 ferred to his custody. All such fees shall be paid into,  
9 administered, and expended as a part of the National Ar-  
10 chives Trust Fund provided for in section 5 of the Act  
11 approved July 9, 1941. There shall be no charge for  
12 making or authenticating copies or reproductions of such  
13 materials for official use by the United States Government:  
14 *Provided*, That reimbursement may be accepted to cover  
15 the cost of furnishing such copies or reproductions that could  
16 not otherwise be furnished.

17 “LIMITATION ON LIABILITY

18 “SEC. 510. With respect to letters and other intellectual  
19 productions (exclusive of material copyrighted or pat-  
20 ented) after they come into the custody or possession of  
21 the Administrator, neither the United States nor its agents  
22 shall be liable for any infringement of literary property rights  
23 or analogous rights arising thereafter out of use of such  
24 materials for display, inspection, research, reproduction, or  
25 other purposes.

## "DEFINITIONS

"SEC. 511. When used in this title—

"(a) The term 'records' shall have the meaning given to such term by section 1 of the Act entitled 'An Act to provide for the disposal of certain records of the United States Government', approved July 7, 1943 (57 Stat. 380, as amended; 44 U. S. C. 366) ;

"(b) The term 'records center' means an establishment maintained by the Administrator or by a Federal agency primarily for the storage, servicing, security, and processing of records that must be preserved for varying periods of time and need not be retained in office equipment and space ;

"(c) The term 'servicing' means making available for use information in records and other materials in the custody of the Administrator—

"(1) by furnishing such records or other materials, or information from such records or other materials, or copies or reproductions thereof to agencies of the Government for official use and to the public ; and

"(2) by making and furnishing authenticated or unauthenticated copies or reproductions of such records and other materials ;

"(d) The term 'National Archives of the United States' means those official records that have been determined by the Archivist to have sufficient historical or other



1 value to warrant their continued preservation by the United  
2 States Government', and have been accepted by the Admin-  
3 istrator for deposit in his custody;

4       “(e) The term ‘unauthenticated copies’ means exact  
5 copies or reproductions of records or other materials that  
6 are not certified as such under seal and that need not be  
7 legally accepted as evidence; and

8       “(f) The term ‘Archivist’ means the Archivist of the  
9 United States.”

10       SEC. 7. The Federal Property and Administrative  
11 Services Act of 1949 is further amended by—

12           (a) striking out the word “and” preceding “(2)”  
13 in subsection (d) of section 3 thereof; substituting a  
14 semicolon for the period at the end of said subsection;  
15 and adding at the end of such subsection the following:  
16 “and (3) records of the Federal Government”;

17           (b) striking out, in section 208 (a) thereof, the  
18 expression “and V”, and inserting in lieu thereof the  
19 expression “V, and VI”;

20           (c) striking out, in section 208 (b) thereof, the  
21 expression “and V”, and inserting in lieu thereof the  
22 expression “V, and VI”;

23           (d) striking out the word “and” at the end of  
24 paragraph (30) of section 602 (a); striking out the  
25 period at the end of paragraph (31) of section 602 (a)

1 and inserting in lieu thereof a semicolon; and adding  
2 at the end of section 602 (a) the following new  
3 paragraphs:

4 “(32) the Act entitled ‘An Act to establish a  
5 National Archives of the United States Government,  
6 and for other purposes’, approved June 19, 1934 (48  
7 Stat. 1122-1124; as amended; 44 U. S. C. 300, 300a,  
8 300c-k; and

9 “(33) section 4 of the Act of February 3, 1905  
10 (33 Stat. 687, as amended; 5 U. S. C. 77).”

11 (e) amending subsections 602 (b) and (c) thereof  
12 to read as follows:

13 “(b) There are hereby superseded—

14 “(1) the provisions of the first, third, and fifth  
15 paragraphs of section 1 of Executive Order Numbered  
16 6166 of June 10, 1933, insofar as they relate to any  
17 function now administered by the Bureau of Federal  
18 Supply except functions with respect to standard con-  
19 tract forms; and

20 “(2) sections 2 and 4 of the Act entitled ‘An Act  
21 to provide for the disposal of certain records of the  
22 United States Government’, approved July 7, 1943  
23 (57 Stat. 381, as amended; 44 U. S. C. 367 and 369),  
24 to the extent that the provisions thereof are inconsistent  
25 with the provisions of title V of this Act.

1       “(c) The authority conferred by this Act shall be  
2 in addition and paramount to any authority conferred by any  
3 other law and shall not be subject to the provisions of any  
4 law inconsistent herewith, except that sections 205 (b) and  
5 206 (c) of this Act shall not be applicable to any Govern-  
6 ment corporation or agency which is subject to the Govern-  
7 ment Corporation Control Act (59 Stat. 597; 31 U. S. C.  
8 841).”

9               (f) amending paragraphs (17), (18), and (19)  
10 of section 602 (d) thereof to read as follows:

11               “(17) the Central Intelligence Agency; or

12               “(18) the Joint Committee on Printing, under the  
13 Act entitled ‘An Act providing for the public printing  
14 and binding and the distribution of public documents’  
15 approved January 12, 1895 (28 Stat. 601), as  
16 amended, or any other Act; or

17               “(19) for such period of time as the President may  
18 specify, any other authority of any executive agency  
19 which the President determines within one year after the  
20 effective date of this Act should, in the public interest,  
21 stand unimpaired by this Act.”

22               (g) striking out the period at the end of section  
23 603 (a) thereof and inserting in lieu thereof a comma  
24 and the following: “including payment in advance, when  
25 authorized by the Administrator, for library member-

1       ships in societies whose publications are available to  
2       members only, or to members at a price lower than  
3       that charged to the general public.”

4       SEC. 8. (a) Subsection 3 (b) of the Federal Property  
5       and Administrative Services Act of 1949 is amended to read  
6       as follows:

7       “(b) The term ‘Federal agency’ means any executive  
8       agency or any establishment in the legislative or judicial  
9       branch of the Government (except the Senate, the House  
10      of Representatives, and the Architect of the Capitol and  
11      any activities under his direction).”

12      (b) Section 201 (b) of the Federal Property and  
13      Administrative Services Act of 1949 is amended by striking  
14      out the expression “or the Senate, or the House of Repre-  
15      sentatives,”.

16      (c) Section 602 of the Federal Property and Adminis-  
17      trative Services Act of 1949 is amended by redesignating  
18      subsection (e) thereof as subsection (f), and inserting,  
19      immediately after subsection (d) thereof, the following new  
20      subsection:

21      (e) No provision of this Act as originally enacted or  
22      as herein amended shall apply to the Senate or the  
23      House of Representatives (including the Architect of the  
24      Capitol and any building, activity, or function under his  
25      direction), but any of the services and facilities authorized



1 by this Act to be rendered or furnished shall, as far as prac-  
2 ticable, be made available to the Senate, the House of Repre-  
3 sentatives, or the Architect of the Capitol, upon their re-  
4 quest, and, if payment would be required for the rendition  
5 or furnishing of a similar service or facility to an executive  
6 agency, payment therefor shall be made by the recipient  
7 thereof, upon presentation of proper vouchers, in advance  
8 or by reimbursement (as may be agreed upon by the Ad-  
9 ministrator and the officer or body making such request).  
10 Such payment may be credited to the applicable appropria-  
11 tion of the executive agency receiving such payment.”

12 SEC. 9. The Federal Property and Administrative Act  
13 of 1949, section 205 (h), is hereby amended by striking  
14 out the last word of the sentence “Title” and inserting in  
15 lieu thereof the word “Act”.

16 SEC. 10. (a) Whenever any contract made on behalf  
17 of the Government by the head of any Federal agency, or  
18 by officers authorized by him to do so, includes a provision  
19 for liquidated damages for delay, the Comptroller General  
20 upon recommendation of such head is authorized and em-  
21 powered to remit the whole or any part of such damages as  
22 in his discretion may be just and equitable.

1       (b) Section 306 of the Federal Property and Adminis-  
2       trative Services Act of 1949 is hereby repealed and this  
3       section shall be effective as of July 1, 1949.

4       SEC. 11. All laws or parts of laws in conflict with the  
5       amendments made by this Act are, to the extent of such  
6       conflict, hereby repealed.

81<sup>ST</sup> CONGRESS  
2<sup>D</sup> Session

# H. R. 9129

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## A BILL

To amend the Federal Property and Administrative Services Act of 1949, and for other purposes.

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By Mr. BOLLING

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JULY 17, 1950

Referred to the Committee on Expenditures in the  
Executive Departments







AMENDING THE FEDERAL PROPERTY AND  
ADMINISTRATIVE SERVICES ACT OF 1949

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JULY 24 (legislative day, JULY 20), 1950.—Ordered to be printed

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Mr. McCLELLAN, from the Committee on Expenditures in the  
Executive Departments, submitted the following

## REPORT

[To accompany S. 3959]

The Committee on Expenditures in the Executive Departments, to whom was referred the bill (S. 3959) to amend the Federal Property and Administrative Services Act of 1949, and for other purposes, having considered the same, report thereon, without amendment, and recommend that the bill do pass. This bill is reported as a clean bill in lieu of S. 3842, to reflect amendments approved by the committee.

## GENERAL STATEMENT

Toward the close of World War II, the President recognized the need of establishing a Government-wide records program and issued Executive Order No. 9784 on September 25, 1946, which Executive order required that the head of each agency establish and maintain an active and continuing program for the successful management and disposition of its records. In 1948, the Hoover Commission task force on records management, in studying and surveying the records management problem of the entire Government, made in substance the following recommendations: (1) The creation of a central staff and service agency with responsibility for leadership in the field of records management; (2) the enactment of a new Federal record management law to provide for the more successful preservation, management, and disposal of Government records; and (3) the establishment of an adequate records management program in each department and agency.

The Commission approved the recommendations of the task force in its report to the Congress in 1949.

Thereafter, Congress passed the Federal Property and Administrative Services Act, which established the General Services Administration and transferred to it, among other things, the National Ar-

chives establishment and further authorized the Administrator to make surveys of Government records and records management activities and to obtain reports thereon.

The primary objectives of the proposed legislation are to expand existing authority in the field of records management, to conform to the recommendations of the Commission on Organization of the Executive Branch of the Government with respect to legislation in this field, and to effect economies in the field of records management.

The bill further implements the recommendations of the Commission on Organization of the Executive Branch of the Government by defining the responsibilities of the Administrator in the field of records management and by specifically authorizing him to establish and operate records centers. It also requires the head of each Federal agency to establish and maintain an active, continuing program for the economical and efficient management of the agency's records and to cause to be made and kept adequate records of the functioning and transactions of the agency—an injunction that heretofore, except in specific cases, has been lacking in the Federal statutes. The Administrator, under the proposed legislation, could, by the issuance of regulations, guide all Federal agencies in inaugurating or extending existing programs for reducing the cost of maintaining the tremendous quantity of records now in existence and being created by the Federal Government. This problem of the quantity of records requires action on two fronts: (1) The prompt and orderly disposal of records of temporary usefulness, and (2) the transfer of records that need not be retained in office space and equipment to less costly records space and storage equipment.

The first three sections of the proposed legislation deal with amendments to section 109 of the Federal Property and Administrative Services Act of 1949 relating to the general supply fund. One amendment will permit the use of the general supply fund for the purchase from the Public Printer for warehouse issue of standard specifications and other printed material commonly used by a number of Federal agencies and not available through the Superintendent of Documents. The amendments, among other things, provide for the substantial elimination of the surcharge which is in line with recommendation No. 14 of the Commission on Organization of the Executive Branch of the Government with respect to supply activities. The only expenses remaining for inclusion in the surcharge will be transportation to the first storage point, direct labor on repair or reconversion of property, and inventory losses. It is not intended that extraordinary inventory losses, such as those occasioned by major fires, floods, or other catastrophes, are to be charged as inventory losses within the meaning of the amendments made.

Under subsection (g) of section 3 the Administrator is authorized to charge vendors and producers of commodities appropriate testing fees, the amount of which is to be determined on the basis of the benefits accruing to the Government in relation to those of private industries. This amendment is designed to permit the Administrator to establish a qualified products list in order to enable small business, particularly, to sell its products to the Federal Government, when they are equal or superior in performance standard to similar goods on a qualified list and acceptable for Government purchase.

Section 4 amends section 203 (j) of the Federal Property and Administrative Services Act of 1949 by authorizing the Administrator

to donate surplus personal property to public health services, hospitals, and medical institutions in the same manner as property is presently donated to educational institutions.

Section 5 of the proposed legislation incorporates into the Federal Property and Administrative Services Act of 1949 certain substantive provisions of law which have in the past been included in annual appropriation acts relating to the maintenance, operation, and protection of public buildings; property or grounds situated in or outside the District of Columbia; and including the construction, repair, preservation, furnishing, and equipment thereof. This section transfers to the General Services Administration the 15 percent rental exemption and the 25 percent alteration and improvement limitation on leases entered into or transferred to the GSA on June 30, 1950; extends the provisions of section 2 of Reorganization Plan No. 18 of 1950 so that continued authority will be vested in the Bureau of the Budget to transfer responsibility for the operation, maintenance, and custody of public buildings to the General Services Administration. For some time committees of Congress and the Bureau of the Budget have advocated a program for all agencies to incorporate into substantive law provisions which are carried in annual appropriation acts, as proposed in this section.

Section 5 also includes a provision entitled "Motor Vehicle Identification." The purpose of the provision is to extend to the field service of Federal agencies the requirement for identification of motor vehicles acquired and used for official purposes with the legend "For official use only" plainly inscribed on each such vehicle. Under present law (sec. 4 of the act of February 3, 1905, 33 Stat. 687, as amended by the act of August 2, 1946, 60 Stat. 811, 5 U. S. C. 77) identification is required only for those vehicles acquired and used for official purposes in the departmental service in the District of Columbia. Various agencies and departments now require identification elsewhere by administrative regulations, but such regulations are neither uniform nor universal. This section would authorize the Administrator to issue regulations requiring identification of all motor vehicles acquired and used for official purposes within the United States and its Territories and possessions by any Federal agency. Exemption from the requirements of this section could be provided for in such regulations when conspicuous identification of a vehicle would interfere with the purposes for which it is used, such as in the case of the Central Intelligence Agency, the Federal Bureau of Investigation, Treasury enforcement officers, and Immigration border control.

Section 6 of the proposed legislation amends the Federal Property and Administrative Services Act of 1949 by inserting a new title, namely Title 5—Federal Records. The provisions of title 5 with respect to records matters fall into four general categories, namely: (1) Those in the nature of perfecting amendments required to insert in the Federal Property and Administrative Services Act of 1949 the new title; (2) those designed to provide a permanent statutory charter for activities now authorized by substantive language appearing in annual appropriation acts; (3) those necessary to retain desirable provisions of existing law in their original, or amended form; and (4) those providing new authority with respect to records management and archival administration.

The proposed legislation provides for continuing the National Historical Publications Commission with a different and enlarged member-



ship and with some extension of duties. Provision is also made for a relatively small staff to be appointed by the Commission.

It provides for the establishment of a Federal Records Council as an advisory body to the Administrator consisting of representatives of the legislative, judicial, and executive branches of the Government.

The remaining provisions of section 5 continue in effect desirable provisions of existing law with respect to archival administration, authorize the Administrator to exercise staff and coordinating functions with respect to records management, including the establishment of records centers, and require Federal agencies to make proper provision with respect to the creation, maintenance, and disposal of records.

While the essential recommendations of the Commission on Organization of the Executive Branch of the Government with respect to the performance of staff functions and the coordination of records management programs in Federal agencies by the Administrator are implemented by the provisions of the bill, the individual agency is not divested of functions in which it has the primary interest and for which it should have the primary responsibility. It is well to emphasize that records come into existence, or should do so, not in order to fill filing cabinets or occupy floor space, or even to satisfy the archival needs of this and future generations, but first of all to serve the administrative and executive purposes of the organization that creates them. There is danger of this simple, self-evident fact being lost for lack of emphasis. The measure of effective records management should be its usefulness to the executives who are responsible for accomplishing the substantive purposes of the organization. Records, unique to such purposes, are indispensable in their achievement. The bill is not intended to deprive Federal agencies of custody or control of the records required by them for their current operations, but will make available to them the assistance of the Administrator in evolving improved practices in the management and use of such records. The committee is cognizant of some apprehension that the bill might hamper individual agencies, such as the Veterans' Administration and the Selective Service System, in the management of their very voluminous active records, but feels that, properly administered, the bill will prove beneficial in effect. The establishment of an orderly system of disposal is not the major interest of an executive in records. His first interest is in the establishment of a useful system of documentation that will enable him to have the information he needs available when he needs it. There is no essential conflict in these two interests, but they should be kept in proper perspective.

The value of records centers in reducing the cost of maintaining records has been amply demonstrated by the experience of the Department of Defense and several business corporations. Records centers utilize space and equipment less costly than that required in office operations and, in addition, they provide a control that facilitates the disposal of material no longer needed. It is estimated conservatively that of the 20,000,000 cubic feet of records in existence, at least 2,000,000 cubic feet not now in records centers should be transferred to such facilities. The committee is of the opinion that the authority given the Administrator to establish, maintain, and operate records centers will result in an annual saving of several million dollars.

## CONCLUSIONS

As was pointed out in the report filed by this committee in the first session of the Eighty-first Congress (S. Rept. No. 475) on the Federal Property and Administrative Services Act of 1949, the over-all program centralized in the General Services Administration carries out the recommendations of the Hoover Commission in its Report No. 3 of Office of General Services (Supply Activities).

In drafting the original bill the committee staff spent several weeks of concentrated effort with representatives of the agencies directly affected, including the then Federal Works Agency, the Bureau of the Budget, the General Accounting Office, and others, to perfect the bill. As a result the committee substituted its own draft (introduced and reported as S. 1809 and later S. 2020) for the original Hoover Commission draft (S. 990). This Senate committee print dated May 2, 1949, was introduced in the House of Representatives as H. R. 4754, (the committee print was submitted to the House Committee on Expenditures in the Executive Departments at their request, the House committee likewise abandoning its bill, H. R. 2781, in favor of the revised draft), which, upon approval by Congress, became Public Law No. 152.

In its report the committee pointed out that the existing authority of the National Archives establishment with respect to records management was considerably limited, and that authority was granted to the Administrator to survey and report to Congress as to what action was necessary to improve records management activities. The subject bill is a result of such studies, and the committee believes that the proposed legislation would bring about a more orderly administration of the records of all Federal agencies, facilitate the performance by the Administrator of his functions with respect to supply, and also in regard to buildings management activities, and will effect considerable economies in these fields.

The bill, as amended, is endorsed by the General Accounting Office, the Director of the Bureau of the Budget, and the General Services Administrator. In addition, the committee has received a letter from Mr. Emmett J. Leahy, executive director of the National Records Management Council, of New York, who was director of the Hoover Commission task force on records management and author of its report, commenting on the original bill, from which the following is quoted:

I have carefully reviewed S. 3842 and compared it with the letter and spirit of our recommendations for the Hoover Commission. It is gratifying to find that your bill is wholly consistent with our recommendations.

You and your colleagues on the committee are to be commended by all records management specialists, your constituents, and the general public for the excellent progress you have made toward slashing red tape and clerical costs in the Federal Government. At the same time, you are insuring greater effectiveness of records as tools of Federal management and service.

It is significant that your action promises to forge the Federal Government far ahead of both private business and State and local governments in the improvement and reduction of clerical operations including record making and record keeping.

We trust that you and your colleagues will not relent in your efforts to achieve these excellent objectives during the present session of Congress.

While there has been much commendation on the operations of the General Services Administration, and the committee is firmly con-

vinced that it is one of the most efficiently administered of all agencies in the entire Federal Government, there are certain areas that still require extensive studies and to which the committee will give further consideration in succeeding Congresses. These relate primarily to traffic and transportation problems, and the establishment of a uniform supply cataloging system, which are extensive in their coverage and require careful and detailed analysis before legislative action is initiated.

#### SECTION-BY-SECTION ANALYSIS

Section. 1: Section 1 amends section 109 (a) of the Federal Property and Administrative Services Act of 1949 by amending the availability of the general supply fund to provide for the purchases from or through the Public Printer, for warehouse issue, of standard forms, blankbook work, standard specifications, and other printed material in common use by Federal agencies not available through the Superintendent of Documents. The term "other printed material in common use by Federal agencies" is intended to apply to such printed material as is used generally by a number of such agencies.

Section 2 (a) modifies section 109 (a) by eliminating the surcharge on general supply fund transactions and provides for charging requisitioning agencies with the purchase price, transportation to the first storage point of supplies and services, and the cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property.

Section 2 (b): This subsection constitutes a modification of section 109 (b) and fixes the applicable standard for pricing general supply fund commodities based upon the purchase price, freight in inventory losses, personal services employed directly in repair, rehabilitation, and conversion, and amortization and repair of equipment leased or rented to executive agencies. It is intended that inventory losses caused by catastrophies or other extraordinary events will be recouped by supplementing the general supply fund rather than including such losses in the pricing of general supply fund commodities pursuant to this subsection.

Section 2 (c): It should be noted that the amendments provided for under sections 2 (a) and 2 (b) above will be effective only when the Administrator determines that adequate appropriations are available to carry out the purpose of such amendments.

Section 3 (a): Section 109 (b) is modified to provide for the reimbursement to the General Services Administration, where an advance of funds is not made, out of funds of the requisitioning agency in accordance with accounting procedures approved by the Comptroller General rather than, as is provided by existing law, on vouchers prepared by the requisitioning agency on the basis of itemized invoices submitted by the Administrator and receiving reports evidencing the delivery to the requisitioning agency of such supplies or services. The section is further modified so that where the requisitioning agency shall not have made payment within 45 days after the date of billing by the Administrator or the date on which an actual liability for supplies or services is incurred by the Administrator, whichever is the later, reimbursement may be obtained by him by the issuance of transfer and counterwarrants supported by itemized invoices. It also authorizes reimbursement by issuance of a check by the requisitioning



agency. The present law does not include reference to the date on which an actual liability for supplies or services is incurred by the Administrator.

Section 3 (b) adds to the Federal Property and Administrative Services Act of 1949 a new subsection (g) authorizing the establishment of a testing charge to be paid by prospective vendors to cover all or part of the costs in connection with the testing of such commodities. Such testing fees would be covered into the general supply fund and expended directly therefrom without appropriation. This subsection authorizes the Administrator in his discretion, and with the consent of the producer, manufacturer, or vendor to conduct tests on goods required by the Government to ascertain whether they are equal to or superior in performance standard to similar goods currently on a qualified list, and therefore acceptable for Government purchase.

It provides for two different types of charges of fees which may be assessed against a producer or vendor: (1) For full recovery of the cost of conducting such tests when the service is predominantly in the interest of such producer or vendor; and (2) to assess whatever the Administrator considers to be "reasonable" fees for the furnishing of such testing services.

The first part of this subsection conforms to a program initiated by this committee to provide for the recovery of the actual cost of services rendered by the Federal Government in the interest of special beneficiaries rather than in the general public interest. The second part would permit the Administrator, in his discretion, to determine that the tests made were primarily in the interest of the Federal Government in order to ascertain the quality of a product desired by the Government or offered to it, for which fees would be assessed accordingly. This would allow, in some cases, for the assessment of the larger part but not all of the cost against the producers, in others for equal participation of the Government in the costs, and in some instances for the Government to defray the preponderance or entire cost if the public interest is served thereby.

Under this subsection small business will be afforded a better opportunity to have its products considered for purchase by the Government. If such products are found to be equal or superior in performance characteristics to products on the Federal list of acceptable products, when compiled and released by the Administrator, they may be similarly classified and listed as conforming to the requirements of the Government. The language is broad enough to permit the Administrator, in his discretion, to utilize Federal testing facilities or the facilities of private testing laboratories in determining the qualities of products and their conformity to required standards of the Government.

This provision of the bill will permit the Administrator to include on such qualified list many products of small private industries which the Government could use advantageously and which will prove to be as satisfactory on a performance basis as similar products which meet exact technical specifications. It will help to overcome the difficulties small business has encountered in having the Government accept their products on the same basis as those which were hand-tailored to meet specialized requirements and permit agencies of the Government to purchase goods which more nearly conform to their needs.



While recognizing there may be some administrative difficulties in determining appropriate fees for the testing services provided in this subsection the committee is of the belief that the Administrator will be provided with ample authority and sufficient latitude to issue regulations which would clearly define the premises on which full charges or partial fees may be assessed depending entirely on the determination as to the benefits accruing from such tests to the producer as related to those in the interest of the Government.

Section 4 modifies section 203 (j) of the Federal Property and Administrative Services Act of 1949 by providing that the Administrator is authorized in his discretion to donate surplus personal property, such as equipment, materials, books, or other supplies for public-health purposes, including research, in addition to educational purposes as presently provided for by Public Law No. 152.

Section 5 provides for the redesignation of section 210 of the act as section 212 and the insertion immediately after section 209 of new sections numbered 210 and 211.

Section 210 (a) is intended primarily to incorporate into the Federal Property and Administrative Services Act of 1949 certain substantive provisions of law which have in the past been included in annual appropriation acts relating to the maintenance, operation, and protection of public buildings, property, or grounds situated in or outside the District of Columbia, including the construction, repair, preservation, furnishing, and equipment thereof.

Specifically, subsection 1 of section 210 (a) authorizes the purchase, repair, and cleaning of uniforms for civilian employees of the General Services Administration who are required by law or regulations to wear uniform clothing. Substantially similar authority has been included in the Independent Offices Appropriation Act each year.

Subsection 2 authorizes the furnishing of arms and ammunition for the protection force maintained by General Services Administration.

This authority has also been contained in the Independent Offices Appropriation Act each year.

Subsection 3 authorizes the payment of ground rent for buildings owned by the United States or occupied by Federal agencies and permits the payment of such rent in advance when required by law or when the Administrator determines such action to be in the public interest. Somewhat similar authority has been included in the past in the independent offices appropriation acts with respect to the payment of ground rent in advance at specific locations. One of these involved the payment of ground rent to an Indian tribe where a treaty with the United States required the payment of such rent in advance. The broadened authority contained in subsection 3 will enable the Administrator to take advantage of any offered economies which may be effected through the payment of rent in advance rather than at the end of each rental period.

Subsection 4 relates to the payment of per diem rates to personnel employed in connection with the functions of operation, maintenance, and protection of property. Such rates may not exceed rates currently paid by private industry for similar services in the place where such services are performed. As in the preceding subsections, substantially similar authority has been included in the annual independent offices appropriation acts. This subsection is intended primarily to meet emergency situations where it is necessary to have

personnel for brief periods of time to repair damage, or to perform other work, where the exigencies of the situation will not permit resort to the Civil Service Commission registers or to the performance of the work by contract.

Subsection 5 exempts from the 15-percent rental provision and the 25-percent alteration, repair, and improvement limitation imposed by section 322 of the act of June 30, 1932, commonly known as the Economy Act, leases entered into by or transferred to the General Services Administration for the housing of any Federal agency which, on June 30, 1950, was specifically exempted by law from the requirements of such section. An example of such leases are those entered into by the Veterans' Administration which, under a specific act, were prior to July 1, 1950, exempted from such requirements. Some of these leases have been transferred to General Services Administration and the additional authority contained in subsection 5 is necessary to permit operations under the leases which, in a number of instances, are more advantageous to the Government than would be new leases made subject to the requirements of the Economy Act. Substantially similar authority is now contained in the independent offices appropriation acts.

Subsection 6 authorizes the General Services Administration to obtain payment, through advances or otherwise, for services, space, quarters, maintenance, repair, or other facilities furnished on a reimbursable basis to any other Federal agency or any mixed-ownership corporation or the District of Columbia and to credit such payments to the applicable appropriations of the General Services Administration. As in the preceding subsections, substantially the same authority has been contained in independent offices appropriation acts for prior years. Subsection 6 broadens the authority to include any wholly owned or mixed-ownership corporation. Frequently, when requested to perform such services or to render other assistance provided for in the subsection, General Services Administration does not have funds available for the purpose but the requesting agency does. Therefore, the authority is necessary in order that the General Services Administration may perform the function. Thereafter, if the assistance requested is of a continuing nature, the General Services Administration requests that the necessary funds be included in its budget.

In subsection 7 provision is made for the maintenance, repair, and the payment of any obligations arising in connection with the pneumatic tube system connecting buildings owned by the United States or occupied by Federal agencies in New York City. As in the preceding subsections, substantially similar authority has been included in the annual appropriation acts for many years. Under the franchises pursuant to which the system was installed and under which it is maintained, operated, and extended there are certain obligations on the part of the Government. Since this system is essential to governmental activities in New York City and will continue to be necessary, it is desirable that its operation, maintenance, and extension pursuant to the franchises be sanctioned by permanent law.

Subsection 8 is new insofar as General Services Administration is concerned but is essential to enable the Administration to utilize to the fullest extent leased premises. It would exempt from the 25-percent limitation of section 322 of the act of June 30, 1932, commonly known

as the Economy Act, as amended, the repair, alteration, and improvement of rented premises where the Administrator determines that the execution of such work, without reference to such limitation, is advantageous to the Government in terms of economy, efficiency, or national security. A copy of such determination made by the Administrator must be furnished the General Accounting Office. It is believed that the section will promote economies and security and that it is surrounded by sufficient safeguards to prevent its abuse.

Subsection 9 authorizes the payment of sums in lieu of taxes on real property declared surplus by Government corporations pursuant to the Surplus Property Act of 1944, where legal title to such property remains in any such Government corporation. As in the case of many of the preceding subsections, substantially similar authority exists in appropriation acts relating to the former War Assets Administration, the functions of which are now vested in the General Services Administration. When real property owned by a Government corporation, such as RFC, is declared surplus legal title remains in the corporation unless it is conveyed to the United States or sold to outside interests. It has been the practice in the past for Government corporations to pay sums in lieu of taxes on real property, title to which rests in them as distinguished from the United States. It is believed advisable to continue this authority insofar as the inventory of property declared surplus under the provisions of the Surplus Property Act of 1944 is concerned at least until such time as title to the property vests in the United States. It should be pointed out that this authority applies only to real property declared surplus under the Surplus Property Act of 1944, which with certain inapplicable provisions, was repealed effective as of June 30, 1949. This means that the authority would not extend to any properties declared excess or surplus on or after July 1, 1949.

Subsection 10 is divided into two parts. Under (A) it authorizes the Administrator to furnish utilities and other services to persons, firms, or corporations occupying or utilizing plants or portions of plants which constitute a part of the National Industrial Reserve pursuant to the National Industrial Reserve Act of 1948. These plants are usually very large and are subject to the national security clause. They usually contain such features as a central heating plant and sometimes have their own facilities for furnishing electric power. They also sometimes have their own sewage and water facilities. In a number of instances they are leased on the basis of multiple occupancy. For this reason, it is frequently impracticable to have the individual tenants install their own utility services. It is therefore often to the advantage of the Government, from the standpoint of increased revenue or from the benefits to be secured in the way of maintenance and protection, to have the Government furnish the utility service on a reimbursable basis. This subsection does not authorize the Administrator to furnish utilities where such utilities are provided from other sources. The National Industrial Reserve Act of 1948 apparently contemplates that the program authorized thereby will be as self-sustaining as possible, thereby limiting the appropriations which the Congress is required to make. Substantially similar authority to that contained in (A) is presently embraced in annual appropriation acts as is the proviso of (B) permitting the crediting of the amounts received in payment for such utilities to the applicable appropriation of



the General Services Administration. (B) relates to surplus real property not subject to the national security clause and what has been said with respect to (A) applies equally to it. This section does not contemplate furnishing utilities where such utilities are provided from other sources.

Subsection 11 permits the Secretary of Defense to direct the use of proceeds received by the United States from insurance against damage to properties in the National Industrial Reserve, for the repair or restoration of the damaged properties. Frequently plants in the National Industrial Reserve are leased with the requirement that certain types of insurance be maintained by the lessee for the benefit of the United States. As previously stated it is believed that the Congress in enacting the National Industrial Reserve Act of 1948 intended that the program authorized thereby should be as self-sustaining as possible. However, the Comptroller General has ruled otherwise with respect to insurance proceeds and at the present time proceeds are being deposited into the Treasury as miscellaneous receipts and are, therefore, unavailable for the repair of damage. It is believed to be to the advantage of the Government to have the proceeds of such insurance available for restoration of damage.

Subsection 12 is not new and may be found in a more limited form in other permanent legislation. It is believed advisable to broaden and more clearly define the authority of the Administrator to acquire land or interest therein when authorized by subsequent acts of the Congress.

Section 210 (b) may be considered as an extension of the provisions of the Economy Act of 1932. It authorizes the Administrator, at the request of any Federal agency, or any mixed-ownership corporation or the District of Columbia, to operate, maintain, and protect any building owned by the United States, or by a wholly owned or mixed-ownership Government corporation and occupied by the agency or instrumentality making such request. An example of the need for a provision such as this is the recent request that the General Services Administration take over the operation, maintenance, and protection of the building or buildings now housing the United States District Court for the District of Columbia. At the present time, not less than four instrumentalities of the Government perform these functions, with the result that considerable confusion exists. This provision clarifies the authority of General Services Administration under the Economy Act and likewise includes wholly owned and mixed-ownership corporations and the District of Columbia, which are not covered by the Economy Act.

Section 210 (c) may also be considered as an extension of the Economy Act as well as the provisions of the act of June 25, 1910 (40 U. S. C. 265) as amended. It also applies to wholly owned and mixed-ownership corporations and to the District of Columbia, which the Economy Act and the act of June 25, 1910, do not. In the past, there have been instances where the Congress has appropriated funds for the acquisition of land and the construction of buildings to agencies other than the General Services Administration, with the proviso that all of such appropriated funds necessary for the acquisition of sites and the construction of buildings shall be transferred to the General Services Administration. These provisions have been included in appropriation acts. The enactment of section 210 (c) as



permanent legislation will eliminate the necessity for inclusion of such provisions in appropriation acts.

Section 210 (d) is necessary to remedy a condition which exists in Reorganization Plan No. 18 of 1950. Section 2 of that plan transfers all functions with respect to the operation, maintenance, and custody of office buildings owned by the Government and of office buildings or parts thereof acquired by lease, with certain specified exceptions, from the respective agencies in which then vested, to the Administrator of General Services. The provisions of the plan took effect on July 1, 1950. Under one interpretation of section 2 of the plan, the transfer of functions is not continuing, but is a so-called one-shot proposition. Section 210 (d) gives to the Director of the Bureau of the Budget, whenever he determines such action to be in the interest of economy and efficiency, authority to transfer to the Administrator all functions vested in any other Federal agency with respect to the operation, maintenance, and custody of any office building owned by the United States, or any wholly owned Government corporation or any office building or part thereof occupied by any Federal agency under any lease, with certain specified exceptions. The enactment of this legislation granting continuing authority to the Director of the Bureau of the Budget will permit flexibility and meet future changing conditions.

Section 210 (e): This section authorizes the Administrator to assign and reassign space to all executive agencies in buildings in and outside the District of Columbia when such assignment or reassignment is determined to be advantageous to the Government in terms of economy, efficiency, or national security.

Section 211: This section authorizes the Administrator to issue regulations requiring identification of all motor vehicles, acquired and used for official purposes within the United States, its Territories and possessions, by any Federal agency or the District of Columbia. This provision provides a uniform system of identification in lieu of the various administrative systems now in effect in connection with identification of Government-owned motor vehicles.

Under present law (sec. 4 of the act of February 3, 1905, 33 Stat. 687, as amended by the act of August 2, 1946, 60 Stat. 811, 5 U. S. C. 77) identification is required for all vehicles acquired and operated on official business in the departmental service, in the District of Columbia. This section would extend such authority to vehicles operated by the Government on official business in the field service.

The committee was informed that approximately 5,000 Government-owned motor vehicles are now operated in the District of Columbia. Some of these cars have been assigned to Cabinet officers and other high-ranking Government officials pursuant to law, and others are used by the departments and agencies for official business purposes. It has been brought to the attention of the committee that many passenger-carrying vehicles assigned to the departments and agencies are used for transporting Federal officials to and from their homes and offices without authority of law. For this reason, and because of other apparent abuses in the use of motor vehicles, the committee inserted a provision in this section of the bill, that each vehicle be plainly marked, "For official use only."

Exemption from the requirements of this section are also provided for in such regulations when conspicuous identification of a vehicle

would interfere with the purposes for which used, such as in the case of the Central Intelligence Agency, the Federal Bureau of Investigation, Treasury enforcement officials, and immigration border patrol, and other agencies performing similar work.

The provisions of section 6 fall within four general categories, namely, (1) those in the nature of perfecting amendments required to insert in Public Law 152, the new "Title V—Federal Records" of the bill, (2) those designed to provide a permanent statutory charter for activities now authorized by substantive language appearing in annual appropriation acts, (3) those necessary to retain desirable provisions of existing law in their original or amended form, and (4) those providing new authority with respect to records management and archival administration.

Subsections (a), (b), and (c), and the introductory language of subsection (d) preceding "Title V—Federal Records," of section 6 are perfecting amendments necessary to the insertion of a new title V in Public Law 152.

## TITLE V—FEDERAL RECORDS

### SHORT TITLE

Section 501 provides that title V of this bill may be cited as the "Federal Records Act of 1950."

### CUSTODY AND CONTROL OF PROPERTY

Section 502: The first part of this section merely retains provisions of existing law (44 U. S. C. 300d; Public Law 152, sec. 104 (a)) relating to the custody and control of the National Archives Building and its contents. The second part provides the Administrator with the necessary authority to enable him to design, construct, and maintain buildings for the storage of records, including records centers as provided in section 505 (d).

### NATIONAL HISTORICAL PUBLICATIONS COMMISSION

Section 503 (a) continues the National Historical Publications Commission with a different and an enlarged membership that includes representation of the three branches of the Government and the public, and also provides for staggering the terms of the members.

The existing authority of the Congress to approve proposals of the Commission is transferred by subsection 503 (d) of this bill to the Administrator, which is one reason for including representatives of the legislative branch in the Commission's membership.

Section 503 (b) provides for the filling of vacancies on the Commission in conformity with the staggered membership of the Commission.

Section 503 (c) provides for the appointment of a staff for the Commission, for limited compensation for members of the Commission representing the public, and for the reimbursement of all members for transportation expenses incurred in attending meetings.

Section 503 (d) sets forth the duties of the Commission. The language used in the first four lines appears in existing law. The Commission's duties have been expanded, however, to include the

proposal made by the President in his speech at the Library of Congress on May 17, 1950, to encourage and assist private agencies in collecting, editing, and publishing the papers of Americans who have made major contributions to the development of our national culture. The last sentence of this subsection provides for transmission to the Administrator (instead of to the Congress as called for in existing law) of the Commission's plans, estimates, and recommendations.

#### FEDERAL RECORDS COUNCIL

Section 504 provides for the establishment by the Administrator of a Federal Records Council composed of representatives in the number, subject to fixed minima, determined by the Administrator of the legislative, executive, and judicial branches of the Government, and requires the Administrator to advise and consult with said Council in carrying out the purposes of the new title V. The present National Archives Council would cease to exist by virtue of section 7 (d) of the bill.

#### RECORDS MANAGEMENT: THE ADMINISTRATOR

Section 505 (a): This subsection vests the Administrator with staff and coordinating responsibility for improving standards, procedures, and techniques with respect to all three areas of records management in the Federal Government—(1) the creation of records, (2) the maintenance of current records, and (3) the retirement and disposal of records when no longer needed for current operations. In each area the Administrator is directed to develop improved practices and promote their adoption by all Federal agencies.

Section 505 (b): This subsection requires the Administrator to establish standards for the guidance of Federal agencies in determining the classes and types of records that should be retained and those that should be disposed of; and to assist agencies in the application of such standards. It also charges the Administrator with responsibility for assisting agency heads in protecting the records of their agencies against unauthorized physical damage or removal.

Section 505 (c): This subsection continues existing statutory authority (44 U. S. C. 300c; Public Law 152, sec. 104 (a)) but provides a limitation with respect to surveying or inspecting records the use of which is restricted by law or for reasons of national security or the public interest. The power to inspect or survey, in person or by deputy, enables the Administrator to obtain first-hand information concerning records management problems and programs in Federal agencies, in order that he may carry out the duties imposed on him by the provisions of this title.

Section 505 (d): The provisions of this subsection clarify and expand the provisions of section 104 (c) of Public Law 152. The economies made possible through the establishment of records centers for the maintenance of records that must be retained for varying periods of time but need not be maintained in office space and equipment have been amply proven by the experience of the military agencies and others during the last few years. The need for centralized facilities was emphasized by the Hoover Commission, and this subsection carries out the Commission's recommendations. The subsection also contains a new provision authorizing the Administrator



to establish, maintain, and operate centralized microfilming services for Federal agencies.

Section 505 (e): This is a new statutory provision. The central staff responsibility for records management placed with the Administrator by this title makes it entirely logical that, except to the extent otherwise provided by law, authority to issue regulations governing the interagency transfer of records should also be vested in the Administrator.

Section 505 (f): This is a new provision and the authority granted therein is needed to meet changing needs and conditions in the application of disposal schedules. Under existing statutory authority, retention periods specified in all except general disposal schedules are mandatory. This subsection authorizes the Administrator to extend retention periods and to promulgate regulations governing the withdrawal of disposal authority, in order to meet changing conditions.

#### RECORDS MANAGEMENT: AGENCY HEADS

Section 506 (a): The provisions of this subsection are new. Specific laws direct the heads of certain agencies to create and maintain certain records, but there is no general requirement that Federal agencies maintain adequate records. This subsection provides a general declaration by the Congress on the subject.

Section 506 (b): This subsection covers, in greater detail, part of the ground covered by Executive Order 9784 (11 F. R. 10909), but it also extends coverage to all Federal agencies and spells out the responsibilities of agency heads with respect to records management programs. As the Hoover Commission pointed out, many agencies paid only lip service to the Executive order. The providing of a statutory basis for agency records management programs should strengthen them immeasurably.

Section 506 (c): This subsection is new. It provides the centralized control of records centers recommended by the Hoover Commission and gives a statutory basis for the establishment of centers as needed. If the agency can show that economy and efficiency of operation can best be served by permitting it to operate its own centers, the Administrator may permit the agency to do so, but the Administrator may also establish centers under his own jurisdiction and receive in them the records of any Federal agency.

Section 506 (d): This subsection continues existing authority contained in section 8a of the National Archives Act (44 U. S. C. 300h-1).

Section 506 (e): This subsection requires heads of Federal agencies to provide proper safeguards for the protection of records in their custody as may be necessary and as may be required by regulations of the Administrator, and to make these safeguards known to all officials and employees.

Section 506 (f): This subsection provides that heads of Federal agencies cooperate with the Administrator in protecting the records of their agencies against unauthorized physical damage or removal. The Administrator's responsibilities in this area are defined in the second part of subsection 505 (b).

Section 506 (g): This subsection is designed to insure that the provisions of title V will impose no limitations upon the exercise of certain



functions by the Comptroller General nor lessen the existing responsibility of collecting and disbursing officers for rendition of their accounts to the General Accounting Office.

#### ARCHIVAL ADMINISTRATION

Section 507 (a) (1) provides for the acceptance of records of the Government having sufficient value to warrant their continued preservation with the National Archives of the United States. It places responsibility on the Archivist to determine whether records have sufficient value to warrant their deposit with the National Archives.

Section 507 (a) (2) authorizes the transfer, with the approval of the originating agency, of records deposited, or approved for deposit, with the National Archives to public or educational institutions. This would enable the Administrator to provide for the loan or indefinite transfer of records under proper safeguards to State archival agencies or educational institutions. Title to such records would, however, remain vested in the United States unless otherwise authorized by Congress.

Section 507 (a) (3) authorizes the Administrator to effect the transfer of materials from private sources when acceptable for deposit under the provisions of subsection (e) of section 507.

Section 507 (b): This subsection makes the Administrator responsible for the custody, use, and withdrawal of records transferred to him. It contains four provisos respecting restrictions on the use of records, three of which continue in substance provisions of existing law. The third proviso is new. It provides for terminating all restrictions (referred to in this subsection) after the records to which they are applicable have been in existence for 50 years unless otherwise determined by the Administrator with respect to specific bodies of records. This proviso would enable the Administrator to extend the restricted period on a proper showing of need for such extension, but would otherwise provide a general repeal clause to statutory and other restrictions governing the use of records by scholars and the public generally.

Section 507 (c) continues in substance the provisions of existing law respecting the security, rehabilitation, arrangement, reproduction, and description of records transferred to the Administrator. The performance of the functions authorized by its provisions is essential to efficient and economical archival administration.

The last part of the subsection permits the Administrator to publish historical works approved by the National Historical Publications Commission whenever he deems it appropriate.

Section 507 (d) continues authority in existing law for providing reference service on records in the custody of the Administrator.

Section 507 (e) (1) is a new provision that would make it possible for the personal papers and other personal historical documentary materials (motion pictures, sound recordings, etc.) of the President and other high level Government officials to be preserved by the Government with related official records.

Documents of this character, when they can be properly released for scholarly research, frequently constitute the most valuable of all the source materials of history. Their preservation in official custody is highly desirable, but is not likely to occur unless adequate assurance is

provided that their privacy will not be jeopardized for a reasonable period of time. The restriction on the use of such materials provided in this subsection is designed to assure this privacy. The use of official records transferred by the officials specified would be governed by such restrictions as might be imposed under subsection 507 (b), which restrictions could, of course, be removed by a successor in office.

Section 507 (e) (2) provides for the transfer of certain types of motion-picture films, still pictures, and sound recordings from private sources that are appropriate for preservation by the Government. The provisions of existing law permit the acceptance from private sources of motion-picture films and sound recordings "pertaining to and illustrative of historical activities of the United States." The provisions of this subsection extend the categories of materials covered to include still pictures but restrict the character of materials that may be accepted to those that are appropriate for preservation as evidence of the organization, functions, policies, decisions, procedures, and transactions of the Government.

Section 507 (f): The first part of this subsection is new and authorizes the making of motion-picture films, still pictures, and sound recordings pertaining to or illustrative of the historical development of the United States Government and its activities. Governmental events of historical importance frequently occur of which no photographic or phonographic records are made, or, if made by commercial or other private concerns, are not made available for deposit with the written records of the event. This provision would authorize the Administrator to make a sound recording of an important speech, or a photograph or motion picture of an official ceremony, and deposit the recording or photograph with official records in his custody.

The last part of this subsection provides a permanent statutory charter for certain activities relating to motion-picture films now authorized by substantive language appearing in annual appropriation acts. They are extended by this provision to apply also to still pictures and sound recordings. The performance of these activities is essential to the proper preservation, administration, and use of motion-picture films, still pictures, and sound recordings.

## REPORTS

Section 508 (a) authorizes the Administrator to obtain reports from Federal agencies on their activities under the provisions of this bill and the Records Disposal Act. Such reports will facilitate the performance of the staff and coordinating functions vested in the Administrator by the provisions of the new title V.

Section 508 (b): The purpose of this subsection is to minimize violations of title V by providing for warnings from the Administrator to agency heads, and, in case of failure to take corrective measures, for reports by the Administrator to the President and the Congress.

## LEGAL STATUS OF REPRODUCTIONS

Section 509 (a): This subsection is new. Some paper records are required by statute to be retained indefinitely. This provision is intended to make certain that retention of the records on microfilm, rather than in paper form, will have statutory authorization; and also

to give such microfilm reproductions, as well as other reproductions made in accordance with the provisions of title V, the same legal status as that of the original records.

Section 509 (b) continues the provisions of existing law with respect to an official seal of the National Archives of the United States and the admission in evidence of authenticated reproductions of records in the custody of the Administrator. Its provisions are necessary to provide adequately for the servicing of records.

Section 509 (c) continues the provisions of existing law with respect to fees for reproductions of records. The proviso at the end of the subsection is new, and its purpose is to permit the furnishing of reproductions that might be vital to the interest of the Government at times when funds necessary for furnishing them were unavailable to the Administrator.

#### LIMITATION ON LIABILITY

Section 510: The Federal Tort Claims Act (28 U. S. C., ch. 171) in effect gives general consent for tort suits against the Government with certain exceptions that are set forth in section 2680 of the chapter. The purpose of this section is to extend those exceptions so that the United States and its agents would not be liable for any infringement of literary property rights that might result from the use of letters and other material (exclusive of material copyrighted or patented) after they come into the custody of the Administrator.

#### DEFINITIONS

Section 511: The purpose of this section is to provide a clear understanding as to the meaning of the terms "records," "records center," "servicing," "National Archives of the United States," "unauthenticated copies," and "Archivist," as used in title V.

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Section 7 of the bill provides for further amendments to the Federal Property and Administrative Services Act of 1949.

Subsection (a) amends section 3 (d) of the act to exclude records of the Federal Government from the definition of the term "property." This is desirable because statutes relating to real and personal property are not applicable to records, and vice versa.

Subsections (b) and (c) are perfecting amendments necessary to the insertion of the new title V in Public Law 152.

Under subsection (d) there are added to the list of statutory provisions repealed by the Federal Property and Administrative Services Act of 1949 the National Archives Act, as amended, and section 4 of the act of February 3, 1905 (33 Stat. 687, as amended; 5 U. S. C. 77), relative to identifications for motor vehicles used for official purposes in the departmental service in the District of Columbia.

Under subsection (e), section 602 (b) of the Federal Property and Administrative Services Act of 1949, is amended by continuing existing law in paragraph (1) and by providing in paragraph (2) that sections 2 and 4 of the Records Disposal Act (44 U. S. C. 366-380) are superseded to the extent that the provisions thereof are inconsistent with the provisions of the new title V. Sections 2 and 4 of the Records Disposal Act provide, respectively, for the issuance of regulations



and the making of recommendations by the present National Archives Council regarding the disposal of records. The National Archives Council would cease to exist under section 7 (d) of the bill. The function of issuing disposal regulations would be exercised by the Administrator. Subsection (e) also amends section 602 (c) of the Federal Property and Administrative Services Act of 1949 by inserting after the words "in addition" the following: "and paramount." The insertion of such language would firm up the authority of the Administrator of General Services to accomplish the purposes of the Federal Property and Administrative Services Act of 1949.

Under subsection (f), paragraphs (17) and (19) represent existing law, and the present paragraph 18 of 602 (d) of the Federal Property and Administrative Services Act of 1949 is deleted since it is not necessary in view of the revision of 602 (c), there being inserted in lieu thereof an exemption for the Joint Committee on Printing based on the fact that the committee is a joint committee of both the House and Senate and therefore might come within the purview of the definition of a Federal agency.

Subsection (g) provides a permanent statutory charter for an activity now authorized by substantive language appearing in annual appropriation acts.

Section 8 amends the definition of the term "Federal agency" in the Federal Property and Administrative Services Act of 1949, so as to exclude from the definition thereof the Architect of the Capitol and any activities under his direction. The other two subsections of section 8 provide for the exclusion from the coverage of the Federal Property and Administrative Services Act of 1949 of the Senate and House of Representatives, including the Architect of the Capitol, unless any of the services or facilities authorized to be rendered shall be requested by the Senate, House, or Architect of the Capitol.

Section 9 amends section 205 (h) of the Federal Property and Administrative Services Act of 1949 by striking out the word "title" and inserting in lieu thereof the word "Act." The effect is to expand the requirement that the Administrator of General Services advise and consult with interested Federal agencies from the limited field of title II to the entire act.

Section 10 provides that the Comptroller General upon recommendation of the head of any Federal agency concerned is authorized and empowered, in connection with any contract made on behalf of the Government which contract includes a provision for liquidated damages for delay, to remit the whole or any part of such damages as in his discretion may be just and equitable. Section 10 also provides for the repeal of section 306 of the Federal Property and Administrative Services Act of 1949 and further provides that section 10 is effective as of July 1, 1949.

Section 11 repeals all laws and parts of laws in conflict with the provisions of this act or with any amendments made by this act.

#### AGENCY COMMENTS

There follow letters from the Director of the Bureau of the Budget, the General Services Administrator, the Acting Comptroller General of the United States, and the Citizens Committee for the Hoover



Report, setting forth their views with reference to the provisions of S. 3842, now superseded by S. 3959:

EXECUTIVE OFFICE OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
Washington, D. C., July 24, 1950.

HON. JOHN L. MCCLELLAN,

*Chairman, Committee on Expenditures in the Executive Departments,  
Room 357, Senate Office Building, Washington, D. C.*

MY DEAR SENATOR MCCLELLAN: This is in reply to your request for the views of this office with respect to Committee Print No. 1, dated July 21, 1950, a substitute for S. 3842 now S. 3959, to amend the Federal Property and Administrative Services Act of 1949, and for other purposes.

This measure has as its primary objective the establishment of an adequate records management program in the Federal Government. Other amendments of the Federal Property Act of 1949 contained in this bill will:

1. Make the general supply fund available for the procurement of additional common use printed items not stocked by the Superintendent of Documents, and eliminate the surcharge now levied on agencies making purchase from the Federal Supply Service.

2. Enact into substantive law numerous provisions dealing with the maintenance, operation, and protection of public buildings which have been included in the annual appropriation acts.

3. Provide for donations of surplus personal property to States for public health purposes, as well as for educational purposes, as now authorized by the Federal Property and Administrative Services Act of 1949. Under that act both the educational and public health organizations are eligible for donations of surplus real property.

4. Extend to the field service of Federal agencies the requirement of identification of motor vehicles acquired and used for official purposes. Under the present law (sec. 4 of the act of February 3, 1905, 33 Stat. 687, as amended by the act of August 2, 1946, 60 Stat. 811, 5 U. S. C. 77) identification is required only of motor vehicles acquired and used for official purposes in the departmental service in the District of Columbia.

5. Enact into substantive law, on a continuing basis, the principles of Reorganization Plan No. 18 dealing with the transfer to the Administrator of the General Services Administration the control and custody of office buildings owned by the United States.

6. Provide authority for the assignment of space of executive agencies either inside or outside of the District of Columbia where it is determined by the Administrator that such assignment is advantageous to the Government in terms of economy, efficiency, or national security. This provision was inserted to lay a foundation for any possible needed decentralization.

7. Amend section 306 of the Federal Property and Administrative Services Act of 1949, entitled "Waiver of liquidated damages," to extend its provisions to cover all Federal agencies.

The Bureau of the Budget is in accord with the principles of this measure and recommends its enactment.

Sincerely yours,

F. J. LAWTON, *Director.*

GENERAL SERVICES ADMINISTRATION,  
Washington, D. C., July 24, 1950.

HON. JOHN L. MCCLELLAN,

*Chairman, Committee on Expenditures in the Executive Departments,  
United States Senate, Washington, D. C.*

DEAR SENATOR MCCLELLAN: Reference is made to your letter of July 5, 1950, in which you ask for expression of my views concerning S. 3842, entitled "A bill to amend the Federal Property and Administrative Services Act of 1949, and for other purposes," for which I understand S. 3959 has now been substituted.

The proposed legislation has been the subject of extended study by me and my associates, and, as you know, my staff has assisted your staff in the consideration and drafting of the bill. This letter will therefore confirm the wholehearted support of the measure by this Administration.

I have been informally advised by the Bureau of the Budget that it has no objection to the submission of this report to your committee.

Sincerely yours,

JESS LARSON, *Administrator.*

COMPTROLLER GENERAL OF THE UNITED STATES,  
Washington, July 18, 1950.

HON. JOHN L. McCLELLAN,  
*Chairman, Committee on Expenditures in the Executive Departments,  
United States Senate.*

MY DEAR MR. CHAIRMAN: Reference is made to your letter of July 5, 1950, acknowledged by telephone July 6, requesting a report on S. 3842, Eighty-first Congress, entitled "A bill to amend the Federal Property and Administrative Services Act of 1949, and for other purposes."

Section 1 of the bill would amend existing law providing for the general supply fund so as to direct the Secretary of the Treasury to transfer moneys out of the Treasury into the fund up to, but not in excess of, 25 percent of the amount of an annual estimate of cost of sales in the ensuing fiscal year, to be furnished by the Administrator of General Services.<sup>1</sup>

The purpose of this proposed amendment appears unobjectionable. However, it is to be observed that the method of accomplishing this purpose, as provided in the bill, is at variance with established appropriation procedure in that the language on page 2 of the bill would have the effect of making an appropriation in substantive legislation.<sup>1</sup> The remainder of section 1 of the bill is a clarification of existing authority.

Section 2 of the bill would have the general effect of eliminating the surcharge presently added to the cost of goods procured for other agencies so that operating costs would be borne by annual appropriations to the General Services Administration instead of being hidden in the expenses of the requisitioning agencies. This result would appear desirable.

Section 3 would amend subsection (b) of section 109 of the Federal Property and Administrative Services Act by (1) removing the provision for preparation of vouchers by requisitioning agencies, which is understood to have been a cause of delay in payments, and substituting therefor a provision for reimbursement in accordance with accounting procedures which will be approved by the Comptroller General, and (2) amending the proviso of the said subsection to prevent the Administrator from employing the "automatic" warrant procedure provided for therein until at least 45 days shall have elapsed from the date when an actual liability has been incurred by the General Services Administration on behalf of the requisitioning agency. This Office approves the proposed amendments but suggests the following changes therein:

1. In line 25, page 4, and line 1, page 5 of the bill, that the words "requisitioning agencies shall promptly reimburse" be stricken.

2. In line 1, page 5 of the bill, immediately following the word "Administration" that the words "shall be reimbursed promptly out of funds of the requisitioning agency" be inserted.

3. In order to provide for the effect of the pending enactment of section 1110 of H. R. 7786 (the omnibus appropriations bill), that the words "or other lawful transfer documents" be inserted after the word "counterwarrants" in lines 9 and 10, page 5 of the bill.

Section 3 (b) of the bill would confer on the Administrator of General Services specific authority to charge proper fees for testing services rendered to vendors and producers. Such provision is believed to be desirable.

Section 4 would authorize the Administrator of General Services to donate surplus property for educational purposes or public health purposes to tax-supported and nonprofit institutions such as specified in the said section. Under existing law, the Administrator has authority to donate surplus real property for health purposes and to donate surplus personal or real property for educational purposes, and there is not perceived any objection to the proposed amendment.

Section 5 of the bill relates to operation of buildings and related activities and to automobile identification. Aside from the redesignation of sections the part relating to operation of buildings is largely a consolidation and restatement of existing substantive authority of the Administrator of General Services and of authority which has heretofore been provided in annual appropriation acts. The provisions of paragraphs 1, 2, 3, 4, 6, 7, 9, and 11 of subsection (a) are from annual appropriations and appear unobjectionable. Paragraph 5 transfers to the Administrator certain authority to pay rentals and make repairs, alterations and improvements, without regard to the provision of section 322 of the act of June 30, 1932 (47 Stat. 412), with respect to leases entered into for other agencies formerly

<sup>1</sup> This provision omitted from S. 3959.

having such authority, or whose leases have been transferred to General Services Administration. Paragraph 8 confers on the Administrator authority to disregard the 25-percent limitation on repairs, alterations, or improvements to rented premises contained in section 322 of said act of June 30, 1932, in instances where he can certify that repairs, alterations, or improvements in excess of the limitation would be in the best interest of the United States. This Office offers no objection to these provisions, since under paragraph 5 the Administrator gets no authority not previously vested in the heads of other agencies and under paragraph 8 would be required to certify in each instance that the repairs, alterations, or improvements in excess of 25 percent would be in the best interest of the United States. Paragraph 10 would extend previous authority of the Administrator, with respect to the furnishing of utilities and other services, to surplus real property generally, and appears unobjectionable. Paragraph 12 would extend the Administrator's authority with respect to the acquisition of real estate and interests therein to include condemnation. Subsection 5 (b) would authorize the Administrator, at the request of any Federal agency or mixed-ownership corporation occupying any building owned by the United States or by such corporation, to operate, maintain, and protect such building. Paragraph 5 (c) would authorize the Administrator, at the request of any Federal agency or mixed-ownership corporation, to acquire land for buildings and projects authorized by the Congress, to make surveys, plans, etc., for such buildings and projects, and to contract for and supervise their construction and equipment. Such provisions generally follow Reorganization Plan No. 18, subsection 5 (d) providing for the same exceptions to the Administrator's authority as does said reorganization plan, and are unobjectionable.

The proposed new section 211 (p. 13 of the bill) entitled "Automobile identification" has the approval of this Office. It is suggested, however, that the title be changed to read "Motor vehicle identification."

Section 6 of the bill would constitute the "Federal Records Act of 1950." Its provisions have the approval of this Office and, also, conform to recommendations of the Hoover Commission.

The proposed new section 502 of the Federal Property and Administrative Services Act of 1949 (p. 15 of the bill) merely restates provisions of existing law vesting in the Administrator of General Services custody and control of the National Archives Building and its contents, but adds authority to design, construct, and maintain records centers.

Section 503 continues the National Historical Publications Commission with a different and enlarged membership, including representatives of the three branches of the Government and the public, provides for filling vacancies in the membership, for payment of the Commission's expenses and the compensation of the members representing the public, and sets out the duties of the Commission. There is not perceived any objection to the provisions of this section.

Section 504 provides for the establishment of a Federal Records Council, with which the Administrator shall advise and consult in carrying out the purposes of the act. This Council would supplant the existing National Archives Council.

Subsection 505 (a) vests the Administrator with staff and coordinating responsibility for the economical and efficient management of records of Federal agencies.

Subsection 505 (b) requires the Administrator to establish standards for the selective retention of records, to assist the Federal agencies in applying such standards to records in their custody and to assist agency heads in protecting the records of their agencies against unauthorized damage or removal.

Subsection 505 (c) continues existing statutory authority of the Administrator to inspect records but provides that such inspection of records, the use of which is restricted by or pursuant to law or for reasons of national security or the public necessity, shall be in accordance with regulations promulgated by the Administrator subject to the approval of the head of the custodial agency.

Subsection 505 (d) clarifies and extends provisions of existing law by authorizing the Administrator to establish, maintain, and operate records centers for the storage, processing, and serving of records and to operate centralized microfilming services for Federal agencies. This subsection carries out the recommendations of the Hoover Commission as to records centers.

Subsection 505 (e) is a new provision authorizing the Administrator to promulgate regulations governing the transfer of records from the custody of one executive agency to that of another.

Subsection 505 (f) also is a new provision authorizing the Administrator to provide for retaining records for a longer period than that specified in disposal schedules approved by Congress. Such provision seems desirable in order to meet changing needs and conditions with respect to disposal of records.



Section 506 prescribes the duties and responsibilities of agency heads with respect to the making, management, and preservation of adequate records and includes a provision that nothing in the act shall be construed as limiting the authority of the Comptroller General of the United States with respect to prescribing accounting systems, forms, and procedures, or lessening the responsibility of collecting and disbursing officers for rendition of their accounts for settlement by the General Accounting Office.

Subsection 507 (a) authorizes the Administrator to accept for deposit with the National Archives the records of any Federal agency or of the Congress that are determined by the Archivist to have sufficient value to warrant their preservation, to direct and effect, with the approval of the head of the originating agency, the transfer of records of public or educational institutions or associations, and to effect the transfer of materials from private sources authorized to be received by the Administrator by the provisions of subsection 507 (c).

Subsection 507 (b) makes the Administrator responsible for the custody, use, and withdrawal of records transferred to him. It contains four provisos respecting restrictions on the use of records, three of which merely retain existing statutory restrictions. The third proviso is new, providing that restrictions referred to in this subsection shall not remain in force after the records have been in existence for 50 years, unless otherwise determined by the Administrator with respect to specific bodies of records.

Section 507 (c) continues, in substance, the provisions of existing law as to the preservation, arrangement, repair, and reproduction of records transferred to the Administrator, and provides authority for the Administrator to publish certain works approved by the National Historical Publication Commission.

Section 507 (d) continues existing authority for providing reference service on records in the custody of the Administrator.

Section 507 (e) is a partially new provision authorizing the Administrator to accept for deposit the personal papers and other personal historical documentary material of high Government officials under specified restrictions; also, motion-picture films, sound recordings, etc., from private sources.

Section 507 (f) authorizes the Administrator to make, preserve, and provide for the use of motion-picture films, still pictures, and sound recordings pertaining to the historical development of the United States Government and its activities.

Section 508 (a) authorizes the Administrator to require reports from Federal agencies on their activities under this act and the Records Disposal Act and to issue necessary regulations.

Section 508 (b) authorizes the Administrator to inform the heads of agencies as to violations of the Federal Records Act of 1950 and, unless corrective action is taken, to report said violations to the President and the Congress.

Section 509 (a) is a new provision giving statutory authority for the retention of records reproduced on microfilm, or by other copying process in lieu of original records required by law to be retained indefinitely and providing that such reproductions shall have the same legal status as the original records.

Section 509 (b) continues the provisions of existing law with respect to an official seal of the National Archives of the United States and the admission in evidence of authenticated copies or reproductions of records.

Section 509 (c) continues the provisions of existing law with respect to fees for copies or reproductions of records, with a new provision permitting reimbursement of the cost of furnishing such copies or reproductions.

Section 510 would protect the United States and its agents from liability for any infringement of literary property rights that might result from the use of letters and other intellectual productions in the custody of the Administrator.

Section 511 consists of definitions of the terms "records," "records centers," and other terms used in the bill.

Section 7 (a) of the bill would amend section 3 (d) of the Federal Property and Administrative Services Act of 1949 so as to exclude Government records from the definition of the word "property." The remainder of section 7 consists chiefly of amendments necessary for inserting the provisions of the bill in the Federal Property and Administrative Services Act, for expressly repealing the National Archives Act and for superseding specified provisions of certain statutes and of Executive Order No. 6166.

Section 8 of the bill contains provisions excepting the Senate, the House of Representatives, and the Architect of the Capitol from the provisions of the Federal Property and Administrative Services Act of 1949, but providing that any services and facilities authorized by the act shall be available to the Senate, House of Representatives, and Architect of the Capitol upon their request.



As hereinbefore indicated, the provisions of S. 3842 with the modifications suggested have the approval of this Office or are considered unobjectionable. It is believed, however, that the Congress will wish to take this opportunity to remedy a serious deficiency in the present laws with respect to the remission of liquidated damages. This may be done by adding a new section 9 to the bill, substantially as follows:<sup>1</sup>

"Whenever any contract made on behalf of the Government includes a provision for liquidated damages for delay, the Comptroller General, on the recommendation of the head of the Government establishment involved, is authorized and empowered to remit the whole or any part of such damages as in his discretion may be just and equitable."

A similar provision of law is now contained in the Armed Services Procurement Act of 1947 (62 Stat. 21, 24), but it applies only to the Department of the Army, the Department of the Navy, the Department of the Air Force, the United States Coast Guard, and the National Advisory Committee for Aeronautics. Also, a similar provision is contained in section 306 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 396), but it applies only to contracts covered by title 3 of that act and made by executive agencies. I know of no sound reason for such limited application of the law and it is strongly recommended that a provision similar to that above quoted be inserted in the subject bill in order that all agencies and contracts of the Government may be dealt with uniformly in the matter of remission of liquidated damages. If it be deemed desirable that the proposed provision have a retroactive effect, such result could be accomplished by inserting the desired date immediately following the word "Government" in the first line of the proposed language quoted above. In such connection, it is suggested that a proper date would be June 30, 1949, which was the date of approval of the Federal Property and Administrative Services Act of 1949.

If the proposed language is incorporated as section 9 of the bill, it will be necessary to renumber the present section 9 as section 10.

Sincerely yours,

FRANK L. YATES,  
*Acting Comptroller General of the United States.*

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CITIZENS COMMITTEE FOR THE HOOVER REPORT,  
RESEARCH DEPARTMENT,  
Washington, D. C., July 21, 1950.

Hon. JOHN L. McCLELLAN,  
*Chairman, Committee on Expenditures in the Executive Departments,  
United States Senate, Washington, D. C.*

MY DEAR SENATOR McCLELLAN: The Citizens Committee for the Hoover Report has followed with interest the work of your committee resulting in S. 3842 (H. R. 9129). This committee, in following the progress of this bill, has worked closely with Emmett J. Leahy, executive director of the National Records Management Council, who directed the Hoover Commission's task force on records management in the Federal Government. We find that S. 3842 is fully consistent with the recommendations of the Hoover Commission. It is a pleasure, therefore, to assure you, on behalf of the Citizens Committee, of our complete endorsement of this bill.

The majority of the recommendations of the Hoover Commission and its task force on records management have been accepted by the President and the Congress. These Presidential and congressional enactments have been suitably implemented by the essential appropriations. The bill now being presented to the Congress by your committee, if acted upon favorably by the Congress, will represent a 100 percent adoption of the letter as well as the spirit of the Hoover Commission's recommendations in the important field of Federal records management.

Complete adoption of the Hoover Commission's records management program slashes the immense clerical costs and red tape in the Federal Government. At the same time, it guarantees effective record making and record keeping as essential tools of management and as a service to the people by the Federal Government.

To this end, we should like to urge you to exert every effort to have the Congress accept your recommendations in this important field at this session of Congress.

Sincerely yours,

CHARLES B. COATES.

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<sup>1</sup> Now included in S. 3959.

## CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, except as hereinafter indicated, are shown as follows (matter omitted enclosed in brackets, new matter printed in italics, existing law in which no change is reported shown in roman):

## FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949 (PUBLIC LAW 152, 81ST CONG., 1ST SESS., APPROVED JUNE 30, 1949)

## SEC. 1. \* \* \*

\* \* \* \* \*

## TABLE OF CONTENTS

\* \* \* \* \*

## TITLE II. PROPERTY MANAGEMENT

Sec. 201. Procurement, warehousing, and related activities.  
 Sec. 202. Property utilization.  
 Sec. 203. Disposal of surplus property.  
 Sec. 204. Proceeds from transfer and disposition of property.  
 Sec. 205. Policies, regulations, and delegations.  
 Sec. 206. Surveys, standardization, and cataloging.  
 Sec. 207. Applicability of antitrust laws.  
 Sec. 208. Employment of personnel.  
 Sec. 209. Civil remedies and penalties.  
*Sec. 210. Operation of buildings and related activities.*  
*Sec. 211. Motor vehicle identification.*  
 Sec. [210] 212. Reports to Congress.

\* \* \* \* \*

## TITLE V. FEDERAL RECORDS

*Sec. 501. Short title.*  
*Sec. 502. Custody and control of property.*  
*Sec. 503. National Historical Publications Commission.*  
*Sec. 504. Federal Records Council.*  
*Sec. 505. Records management; the Administrator.*  
*Sec. 506. Records management; agency heads.*  
*Sec. 507. Archival administration.*  
*Sec. 508. Reports.*  
*Sec. 509. Legal status of reproductions.*  
*Sec. 510. Limitation on liability.*  
*Sec. 511. Definitions.*

## TITLE [V] VI. GENERAL PROVISIONS

Sec. [501] 601. Applicability of existing procedures.  
 Sec. [502] 602. Recpal and saving provisions.  
 Sec. [503] 603. Authorization for appropriations.  
 Sec. [504] 604. Separability.  
 Sec. [505] 605. Effective date.

\* \* \* \* \*

SEC. 3. (b) The term "Federal Agency" means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate, [and] the House of Representatives, and the Architect of the Capitol and any activities under his direction).

\* \* \* \* \*

SEC. 3. (d) The term "property" means any interest in property of any kind except (1) the public domain and lands reserved or dedicated for national forest or national park purposes; [and] (2) naval vessels of the following categories: Battleships, cruisers, aircraft carriers, destroyers, and submarines [.] ; and (3) records of the Federal Government.

\* \* \* \* \*

SEC. 102. (a) The functions of (1) The Bureau of Federal Supply in the Department of the Treasury, (2) the Director of the Bureau of Federal Supply, (3) the personnel of such Bureau, and (4) the Secretary of the Treasury, relating to the

Bureau of Federal Supply, are hereby transferred to the Administrator. The records, property, personnel, obligations, and commitments of the Bureau of Federal Supply, together with such additional records, property, and personnel of the Department of the Treasury as the Director of the Bureau of the Budget shall determine to relate primarily to functions transferred by this section or vested in the Administrator by titles II, III, and [V] VI, of this Act, are hereby transferred to the General Services Administration. The Bureau of Federal Supply and the office of Director of the Bureau of Federal Supply are hereby abolished.

\* \* \* \* \*

SEC. 104. (b) There are also transferred to the General Services Administration the following bodies, together with their respective functions and such funds as are derived from Federal sources: (1) The [National Archives Council and the] National Historical Publications Commission, established by the Act of June 19, 1934 (48 Stat. 1122), (2) the National Archives Trust Fund Board, established by the Act of July 9, 1941 (55 Stat. 581), (3) the Board of Trustees of the Franklin D. Roosevelt Library, established by the Joint Resolution of July 18, 1939 (53 Stat. 1062), and (4) the Administrative Committee established by section 6 of the Act of July 26, 1935 (49 Stat. 501), which shall hereafter be known as the Administrative Committee of the Federal Register. The authority of the Administrator under section 106 hereof shall not extend to the bodies or functions affected by this subsection.

\* \* \* \* \*

SEC. 109. (a) There is hereby authorized to be set aside in the Treasury a special fund which shall be known as the General Supply Fund. Such fund shall be composed of the assets of the General Supply Fund (including any surplus therein) created by section 3 of the Act of February 27, 1929 (45 Stat. 1342; 41 U. S. C. 7c), and transferred to the Administrator by section 102 of this Act, and such sums as may be appropriated thereto, and the fund shall assume all of the liabilities, obligations, and commitments of the General Supply Fund created by such Act of February 27, 1929. The capital of the General Supply Fund shall be in an amount not greater than \$75,000,000. The General Supply Fund shall be available for use by or under the direction and control of the Administrator (1) for procuring personal property (including the purchase from or through the Public Printer [of standard forms and blankbook work for field warehouse issue], *for warehouse issue, of standard forms, blankbook work, standard specifications, and other printed material in common use by Federal agencies and not available through the Superintendent of Documents*), and nonpersonal services for the use of Federal agencies in the proper discharge of their responsibilities and (2) for paying [all elements of cost of the procurement, handling, and distribution thereof, except that on and after July 1, 1950, those elements of cost which are determined by the Administrator with the approval of the Director of the Bureau of the Budget to be indirect or overhead costs shall not be paid from the fund.] *the purchase price, transportation to first storage point of supplies and services, and the cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property.*\*

SEC. 109. (b) Payment by requisitioning agencies shall be at prices fixed by the Administrator. Until July 1, 1950, such prices shall be fixed in accordance with law and regulations applicable on the date of enactment of this Act to prices fixed by the Director of the Bureau of Federal Supply. On and after such date, such prices shall be fixed at levels so as to recover so far as practicable [all costs except those which are determined by the Administrator with the approval of the Director of the Bureau of the Budget to be indirect or overhead costs.] *the applicable purchase price, the transportation cost to first storage point, inventory losses, the cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property, and the cost of amortization and repair of equipment utilized for lease or rent to executive agencies.*\* Requisitioning agencies shall pay by advance of funds in all cases where it is determined by the Administrator that there is insufficient capital otherwise available in the General Supply Fund. Advances of funds also may be made by agreement between the requisitioning agencies and the Administrator. Where an advance of funds is not made, [requisitioning agencies shall promptly reimburse] *the General Services Administration shall be reimbursed promptly out of the funds of* [on vouchers prepared by] the requisitioning agency [on the basis of itemized invoices submitted by the Administrator and receiving reports evidencing the delivery to the requisi-

\*With respect to the two amendments indicated by asterisks, section 2 (c) of the bill provides that they "shall be effective on the date, not earlier than July 1, 1950, on which the Administrator of General Services shall determine that appropriated funds adequate to effectuate the purposes of such amendments have been made available."



tioning agency of such supplies or services] in accordance with accounting procedures approved by the Comptroller General: *Provided*, That in any case where payment shall not have been made by the requisitioning agency within forty-five days after the date of billing by the Administrator or the date on which an actual liability for supplies or services is incurred by the Administrator, whichever is the later, reimbursement may be obtained by the Administrator by the issuance of transfer and counterwarrants, or other lawful transfer documents, supported by itemized invoices.

\* \* \* \* \*

SEC. 109. (g) *Whenever any producer or vendor shall tender any article or commodity for sale to the General Services Administration or to any procurement authority acting under the direction and control of the Administrator pursuant to this Act, the Administrator is authorized in his discretion, with the consent of such producer or vendor, to cause to be conducted, in such manner as the Administrator shall specify, such tests as he shall prescribe to determine whether such article or commodity conforms to prescribed specifications and standards. When the Administrator determines that the making of such tests will serve predominantly the interest of such producer or vendor, he shall charge such producer or vendor a fee which shall be fixed by the Administrator in such amount as will recover the cost of conducting such tests, including all components of such cost, determined in accordance with accepted accounting principles. When the Administrator determines that the making of such tests will not serve predominantly the interest of such producer or vendor, he shall charge such producer or vendor such fee as he shall determine to be reasonable for the furnishing of such testing service. All such fees collected by the Administrator may be deposited in the General Supply Fund to be used for any purpose authorized by subsection 109 (a) of this Act.*

\* \* \* \* \*

SEC. 201. (b) The Administrator shall as far as practicable provide any of the services specified in subsection (a) of this section to any Federal agency, mixed ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, [or the Senate, or the House of Representatives,] upon its request.

\* \* \* \* \*

SEC. 203. (j) (1) Under such regulations as he may prescribe, the Administrator is authorized in his discretion to donate for educational purposes or public health purposes, including research, in the States, Territories, and possessions without cost (except for costs of care and handling) such equipment, materials, books, or other supplies under the control of any executive agency as shall have been determined to be surplus property and which shall have been determined under paragraph (2) or paragraph (3) of this subsection to be usable and necessary for educational purposes [.] or public health purposes, including research.

(2) Determination whether such surplus property (except surplus property donated in conformity with paragraph (3) of this subsection) is usable and necessary for educational purposes or public health purposes, including research, shall be made by the Federal Security Administrator, who shall allocate such property on the basis of needs and utilization for transfer by the Administrator of General Services to tax-supported medical institutions, hospitals, clinics, health centers, school systems, schools, colleges, and universities, and to other nonprofit medical institutions, hospitals, clinics, health centers, schools, colleges, and universities which have been held exempt from taxation under section 101 (6) of the Internal Revenue Code, or to State departments of education or health for distribution to such tax-supported and nonprofit medical institutions, hospitals, clinics, health centers, school systems, schools, colleges, and universities; except that in any State where another agency is designated by State law for such purpose such transfer shall be made to said agency for such distribution within the State.

(3) In the case of surplus property under the control of the National Military Establishment, the Secretary of Defense shall determine whether such property is usable and necessary for educational activities that are of special interest to the armed services, such as maritime academies or military, naval, Air Force, or Coast Guard preparatory schools. If such Secretary shall determine that such property is usable and necessary for such purposes, he shall allocate it for transfer by the Administrator to such educational activities. If he shall determine that such property is not usable and necessary for such purposes, it may be disposed of in accordance with paragraph 2 of this subsection.

\* \* \* \* \*

SEC. 205. (h) The Administrator shall advise and consult with interested Federal agencies with a view to obtaining their advice and assistance in carrying out the purposes of this [title] Act.

\* \* \* \* \*



SEC. 208. (a) The Administrator is authorized, subject to the civil-service and classification laws, to appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of titles I, II, III, [and V] V, and VI of this Act.

(b) To such extent as he finds necessary to carry out the provisions of titles I, II, III, [and V] V, and VI of this Act, the Administrator is hereby authorized to procure the temporary (not in excess of one year) or intermittent services of experts or consultants or organizations thereof, including stenographic reporting services, by contract or appointment, and in such cases such service shall be without regard to the civil-service and classification laws, and, except in the case of stenographic reporting services by organizations, without regard to section 3709, Revised Statutes, as amended (41 U. S. C. 5).

\* \* \* \* \*

NOTE.—The following matter added by the bill, dealing with operation of buildings and related activities, is set out by parallel-column comparison:

#### EXISTING LAW

FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949 (PUBLIC LAW 152, 81ST CONGRESS, APPROVED JUNE 30, 1949)

#### TABLE OF CONTENTS

\* \* \* \*

Section 210 \* \* \* .

#### THE BILL

SEC. 5. The Federal Property and Administrative Services Act of 1949 is amended by—

(a) redesignating section 210 thereof as section 212, and wherever such section number appears in such Act as originally enacted, it is amended to conform to the redesignation prescribed by this subsection;

(b) inserting in the table of contents appearing in the first section of such Act, immediately after the line in which "Sec. 209." appears, the following: Sec. 210. Operation of buildings and related activities.

SEC. 211. Motor vehicle identification.

(c) Inserting, immediately after section 209 thereof, the following new sections:

INDEPENDENT OFFICES APPROPRIATION ACT OF 1950 (PUBLIC LAW 266, 81ST CONGRESS, APPROVED AUGUST 24, 1949), UNDER THE HEADING FEDERAL WORKS AGENCY, PUBLIC BUILDINGS ADMINISTRATION

#### OPERATION OF BUILDINGS AND RELATED ACTIVITIES

SEC. 210. (a) Whenever and to the extent that the Administrator has been or hereafter may be authorized by any provision of law other than this subsection to maintain, operate, and protect any building, property, or grounds situated in or outside the District of Columbia, including the construction, repair, preservation, demolition, furnishing, and equipment thereof, he is authorized in the discharge of the duties so conferred upon him—

(1) to purchase, repair, and clean uniforms for civilian employees of the General Services Administration who are required by law or regulation to wear uniform clothing;

(2) to furnish arms and ammunition for the protection force maintained by the General Services Administration;

Purchase, repair, and cleaning of uniforms for guards and elevator conductors.

Arms and ammunition for the guard force.

## EXISTING LAW

Ground rent of the Federal buildings at Salamanca, New York, and Columbus, Mississippi, for which payment may be made in advance.

Under the appropriations for salaries and expenses, public buildings and grounds in and outside the District of Columbia, and for National Industrial Reserve, per diem employees may be paid at rates approved by the Commissioner of Public Buildings not exceeding current rates for similar services in the place where such services are employed, and such employees in emergencies may be entered on duty subject to confirmation by the Federal Works Administrator,

The provisions of section 322 of the Act of June 30, 1932, as amended (40 U. S. C. 278a), shall not apply to any lease entered into by, or transferred to, the Public Buildings Administration for the housing of activities specifically exempted from the provisions of said Act, as amended.

SECTION 322 OF THE ACT OF JUNE 30,  
1932 (47 STAT. 412), AS AMENDED

After June 30, 1932, no appropriation shall be obligated or expended for the rent of any building or part of a building to be occupied for Government purposes at a rental in excess of the per annum rate of 15 per centum of the fair market value of the rented premises at date of the lease under which the premises are to be occupied by the Government nor for alterations, improvements, and repairs of the rented premises in excess of 25 per centum of the amount of the rent for the first year of the rental term, or for the rental term if less than one year: *Provided*, That the provisions of this section shall not apply to leases made prior to June 30, 1932, except when renewals thereof are made after such date, nor to leases of premises in foreign countries for the foreign services of the United States: *Provided further*, That the provisions of this section as applicable to rentals, shall apply only where the rental to be paid shall exceed \$2,000 per annum.

## THE BILL

(3) to pay ground rent for buildings owned by the United States or occupied by Federal agencies, and to pay such rent in advance when required by law or when the Administrator shall determine such action to be in the public interest;

(4) to employ and pay personnel employed in connection with the function of operation, maintenance, and protection of property at such per diem rates as may be approved by the Administrator, not exceeding rates currently paid by private industry for similar services in the place where such services are performed;

(5) without regard to the provisions of section 322 of the Act of June 30, 1932 (47 Stat. 412), as amended to pay rental, and to make repairs, alterations, and improvements under the terms of any lease entered into by, or transferred to, the General Services Administration for the housing of any Federal agency which on June 30, 1950, was specifically exempted by law from the requirements of said section;

## EXISTING LAW

INDEPENDENT OFFICES APPROPRIATION  
ACT OF 1950, *supra*

The appropriations for salaries and expenses, public buildings and grounds in and outside the District of Columbia, shall be available for communication services serving one or more governmental activities, and for services to motor vehicles, and where such services, together with quarters, maintenance, or other services, are furnished on a reimbursable basis to any governmental activity, such activity shall make payment therefor promptly by check upon the request of the Public Buildings Administration, either in advance or after the service has been furnished, for deposit to the credit of the applicable appropriation, of all or part of the estimated or actual cost thereof, as the case may be, proper adjustment upon the basis of actual cost to be made for services paid for in advance.

And for changes in, maintenance of, and repairs to the pneumatic tube system in New York City installed under franchises of the City of New York, approved June 29, 1909, and June 11, 1928, and the payment of any obligations arising thereunder in accordance with the provisions of the Acts approved August 5, 1909 (36 Stat. 120), and May 15, 1928 (45 Stat. 533).

SECTION 322 OF THE ACT OF JUNE 30,  
1932, *SUPRA*

After June 30, 1932, no appropriation shall be obligated or expended for the rent of any building or part of a building to be occupied for Government purposes at a rental in excess of the per annum rate of 15 per centum of the fair market value of the rented premises at date of the lease under which the premises are to be occupied by the Government nor for alterations, improvements, and repairs of the rented premises in excess of 25 per centum of the amount of the rent for the first year of the rental term, or for the rental term if less than one year: *Provided*, That the provisions of this section shall not apply to leases made prior to June 30, 1932, except when renewals thereof are made after such date, nor to leases of premises in foreign countries for the foreign services of the United States: *Provided further*, That the provisions of this section as applicable to rentals, shall apply only where the rental to be paid shall exceed \$2,000 per annum.

## THE BILL

(6) to obtain payments, through advances or otherwise, for services, space, quarters, maintenance, repair, or other facilities furnished, on a reimbursable basis, to any other Federal agency, or any mixed-ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, and to credit such payments to the applicable appropriation of the General Services Administration;

(7) to make changes in, maintain and repair the pneumatic-tube system connecting buildings owned by the United States or occupied by Federal agencies in New York City installed under franchise of the City of New York, approved June 29, 1909, and June 11, 1928, and to make payments of any obligations arising thereunder in accordance with the provisions of the Acts approved August 5, 1909 (36 Stat. 120), and May 15, 1928 (45 Stat. 533);

(8) to repair, alter, and improve rented premises, without regard to the 25 per centum limitation of Section 322 of the Act of June 30, 1932 (47 Stat. 412), as amended, upon a determination by the Administrator that by reason of circumstances set forth in such determination the execution of such work, without reference to such limitation, is advantageous to the Government in terms of economy, efficiency, or national security. A copy of every such determination so made shall be furnished to the General Accounting Office;

## EXISTING LAW

THIRD DEFICIENCY APPROPRIATION ACT  
OF 1949 (PUBLIC LAW 343, 81ST  
CONGRESS, APPROVED OCTOBER 10,  
1949)

Payments to States or political subdivisions thereof of sums in lieu of taxes accruing against real property declared surplus by Government corporations.

INDEPENDENT OFFICES APPROPRIATION  
ACT OF 1950

*Provided further,* That the Public Buildings Administration may furnish necessary utilities or services, at cost, to persons, firms, or corporations in connection with the occupancy of such plants and the amounts received therefor may be credited as reimbursements to this appropriation.

SECTION 3719, REVISED STATUTES (31  
U. S. C. 484)

Deposit without deduction. The gross amount of all moneys received from whatever source for the use of the United States, except as otherwise provided, shall be paid by the officer or agent receiving the same into the Treasury, at as early a day as practicable, without any abatement or deduction on account of salary, fees, costs, charges, expenses, or claim of any description whatever. But nothing herein shall affect any provision relating to the revenues of the Post Office Department.

SECTION 1 OF THE PUBLIC BUILDINGS  
ACT OF 1926 (APPROVED MAY 25,  
1926), AS AMENDED (40 U. S. C. 341)

To enable the Administrator of General Services to provide suitable accommodations in the District of Columbia for the executive departments, and independent establishments of the Government not under any executive department, and for courthouses, post offices, immigration stations, customhouses, marine hospitals, quarantine stations, and other public buildings of the classes under the control of the General Services Administration in the States, Territories, and possessions of the United States, he is hereby authorized and directed to acquire, by purchase, condemnation, or otherwise, such sites and additions to sites as he may deem necessary.

## THE BILL

(9) to pay sums in lieu of taxes on real property declared surplus by Government corporations, pursuant to the Surplus Property Act of 1944, where legal title to such property remains in any such Government corporation;

(10) To furnish utilities and other services where such utilities and other services are not provided from other sources to persons, firms, or corporations occupying or utilizing plants or portions of plants which constitute (A) a part of the National Industrial Reserve pursuant to the National Industrial Reserve Act of 1948, or (B) surplus real property, and to credit the amounts received therefrom to the applicable appropriation of the General Services Administration;

(11) at the direction of the Secretary of Defense, to use proceeds received from insurance against damage to properties of the National Industrial Reserve for repair or restoration of the damaged properties; and

(12) to acquire, by purchase, condemnation, or otherwise, real estate and interests therein.



## EXISTING LAW

## SECTION 322 OF THE ACT OF JUNE 30, 1932, AS AMENDED, SUPRA

After June 30, 1932, no appropriation shall be obligated or expended for the rent of any building or part of a building to be occupied for Government purposes at a rental in excess of the per annum rate of 15 per centum of the fair market value of the rented premises at date of the lease under which the premises are to be occupied by the Government nor for alterations, improvements, and repairs of the rented premises in excess of 25 per centum of the amount of the rent for the first year of the rental term, or for the rental term if less than one year: *Provided*, That the provisions of this section shall not apply to leases made prior to June 30, 1932, except when renewals thereof are made after such date, nor to leases of premises in foreign countries for the foreign services of the United States: *Provided further*, That the provisions of this section as applicable to rentals, shall apply only where the rental to be paid shall exceed \$2,000 per annum.

ACT OF JUNE 25, 1910 (40 U. S. C. 265)  
AS AMENDED

The Administrator of General Services may, in his discretion, upon the request of the head of any other executive department, independent establishment, or other Federal agency, cause the General Services Administration to carry out the construction of any building or buildings for governmental purposes which any such executive department, establishment, or agency may be authorized to have constructed, including the preparation of plans, drawings, designs, specifications, and estimates, the acquisition of land necessary for sites, the execution of contracts, and supervision of construction; *Provided*, That funds appropriated to other executive departments, independent establishments, or other Federal agencies for the foregoing purposes shall be available for transfer to and expenditure by the General Services Administration in whole or in part, either in reimbursement of the proper appropriations of the General Services Administration, for the cost of such work, or as advances to special accounts for the purpose of providing for the prosecution of said work.

## REORGANIZATION PLAN NO. 18 OF 1950

SEC. 2. TRANSFER OF OFFICE BUILDING MANAGEMENT FUNCTIONS.—All functions with respect to the operation,

## THE BILL

(b) At the request of any Federal agency or any mixed-ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, the Administrator is hereby authorized to operate, maintain, and protect any building owned by the United States (or, in the case of any wholly owned or mixed-ownership Government corporation, by such corporation) and occupied by the agency or instrumentality making such request.

(c) At the request of any Federal agency or any mixed-ownership corporation (as defined in the Government Corporation Control Act), the District of Columbia, the Administrator is hereby authorized (1) to acquire land for buildings and projects authorized by the Congress; (2) to make or cause to be made, under contract or otherwise, surveys and test borings and to prepare plans and specifications for such buildings and projects prior to the approval by the Attorney General of the title to the sites thereof; and (3) to contract for, and to supervise, the construction and development and the equipping of such buildings or projects. Any sum available to any such Federal agency or instrumentality for any such building or project may be transferred by such agency to the General Services Administration in advance for such purposes as the Administrator shall determine to be necessary, including the payment of salaries and expenses of personnel engaged in the preparation of plans and specifications or in field supervision, and for general office expenses to be incurred in the rendition of any such service.

(d) Whenever the Director of the Bureau of the Budget shall determine such action to be in the interest of economy or efficiency, he shall transfer to the Administrator all functions then

## EXISTING LAW

maintenance, and custody of office buildings owned by the Government and of office buildings or parts thereof acquired by lease, including those post-office buildings which, as determined by the Director of the Bureau of the Budget, are not used predominantly for post-office purposes, are hereby transferred from the respective agencies in which now vested to the Administrator of General Services, exclusive, however, of all such functions with respect to—

(a) any building located in any foreign country;

(b) any building located on the grounds of any fort, camp, post, arsenal, navy yard, naval training station, airfield, proving ground, military supply depot, or school, or of any similar facility, of the Department of Defense, unless and to such extent as a permit for its use by another agency or agencies shall have been issued by the Secretary of Defense or his duly authorized representative;

(c) any building which the Administrator of General Services finds to be a part of a group of buildings which are (1) located in the same vicinity (2) are utilized wholly or predominantly for the special purposes of the agency having custody thereof, and (3) are not generally suitable for the use of other agencies; and

(d) the Treasury Building, the Bureau of Engraving and Printing Building, the buildings occupied by the National Bureau of Standards, and the buildings under the jurisdiction of the regents of the Smithsonian Institution.

## THE BILL

vested in any other Federal agency with respect to the operation, maintenance, and custody of any office building owned by the United States or any wholly owned Government corporation, or any office building or part thereof occupied by any Federal agency under any lease, except that no transfer shall be made under this subsection—

(1) of any post-office building unless the Director shall first determine that such building is not used predominantly for post-office purposes, and functions which are transferred hereunder to the Administrator with respect to any post-office building may be delegated by him only to another officer or employee of the General Services Administration or to the Postmaster General;

(2) of any building located in any foreign country;

(3) of any building located on the grounds of any fort, camp, post, arsenal, navy yard, naval training station, airfield, proving ground, military supply depot, or school, or of any similar facility of the Department of Defense, unless and to such extent as a permit for its use by another agency or agencies shall have been issued by the Secretary of Defense or his duly authorized representative;

(4) of any building which the Director of the Bureau of the Budget finds to be a part of a group of buildings which are (A) located in the same vicinity, (B) utilized wholly or predominantly for the special purposes of the agency having custody thereof, and (C) not generally suitable for the use of other agencies;

(5) of the Treasury Building, the Bureau of Engraving and Printing Building, the buildings occupied by the National Bureau of Standards, and the buildings under the jurisdiction of the regents of the Smithsonian Institution; or

(e) *Notwithstanding any other provision of law, the Administrator is authorized to assign and reassign space of all executive agencies in Government-owned and leased buildings in and outside the District of Columbia upon a determination by the Administrator that such assignment or reassignment is advantageous to the Government in terms of economy, efficiency, or national security.*

NOTE.—Changes made by the bill, as reported, in existing law are shown hereinafter as follows (matter omitted enclosed in brackets,

new matter printed in italics, existing law in which no change is reported shown in roman):

#### MOTOR VEHICLE IDENTIFICATION

*SEC. 211. Under regulations prescribed by the Administrator, every motor vehicle acquired and used for official purposes within the United States, its Territories, or possessions, by any Federal agency or the District of Columbia shall be conspicuously identified by showing thereon either (a) the full name of the department, establishment, corporation, or agency by which it is used and the service in which it is used, or (b) a title descriptive of the service in which it is used if such title readily identifies the department, establishment, corporation, or agency concerned, and the legend "For official use only": Provided, That the regulations issued pursuant to this section may provide for exemptions from the requirement of this section when conspicuous identification would interfere with the purpose for which a vehicle is acquired and used.*

#### REPORTS TO CONGRESS

*SEC. [210] 212. The Administrator shall submit a report to the Congress, in January of each year and at such other times as he may deem it desirable, regarding the administration of his functions under this Act, together with such recommendations for amendments to this Act as he may deem appropriate as the result of the administration of such functions, at which time he shall also cite the laws becoming obsolete by reason of passage or operation of the provisions of this Act.*

#### [WAIVER OF LIQUIDATED DAMAGES]

*[SEC. 306. Whenever any contract made on behalf of the Government by the agency head or by officers authorized by him so to do includes a provision for liquidated damages for delay, the Comptroller General on the recommendation of the agency head is authorized and empowered to remit the whole or any part of such damages as in his discretion may be just and equitable.]*

SEC. 10 of the bill reads as follows:

*"SEC. 10. (a) Whenever any contract made on behalf of the Government by the head of any Federal agency, or by officers authorized by him so to do, includes a provision for liquidated damages for delay, the Comptroller General upon recommendation of such head is authorized and empowered to remit the whole or any part of such damages as in his discretion may be just and equitable.*

*"(b) Section 306 of the Federal Property and Administrative Services Act of 1949, is hereby repealed and this section shall be effective as of July 1, 1949."*

#### TITLE V. FEDERAL RECORDS

##### SHORT TITLE

*SEC. 501. This title may be cited as the "Federal Records Act of 1950".*

##### CUSTODY AND CONTROL OF PROPERTY

*SEC. 502. The Administrator shall have immediate custody and control of the National Archives Building and its contents, and shall have authority to design, construct, purchase, lease, maintain, operate, protect, and improve buildings used by him for the storage of records of Federal agencies in the District of Columbia and elsewhere.*

##### NATIONAL HISTORICAL PUBLICATIONS COMMISSION

*SEC. 503. (a) There is hereby created a National Historical Publications Commission consisting of the Archivist (or an alternate designated by him), who shall be Chairman; the Librarian of Congress (or an alternate designated by him); one Member of the United States Senate to be appointed, for a term of four years, by the President of the Senate; one Member of the House of Representatives to be appointed, for a term of two years, by the Speaker of the House of Representatives; one representative of the judicial branch of the Government to be appointed, for a term of four years, by the Chief Justice of the United States; one representative of the Department of State to be appointed, for a term of four years, by the Secretary of State; one representative of the Department of Defense to be appointed, for a term of four years, by the Secretary of*



Defense; two members of the American Historical Association to be appointed by the council of the said association, one of whom shall serve an initial term of two years and the other an initial term of three years, but their successors shall be appointed for terms of four years; and two other members outstanding in the fields of the social or physical sciences to be appointed by the President of the United States, one of whom shall serve an initial term of one year and the other an initial term of three years, but their successors shall be appointed for terms of four years. The Commission shall meet annually and on call of the Chairman.

(b) Any person appointed to fill a vacancy in the membership of the Commission shall be appointed only for the unexpired term of the member whom he shall succeed, and his appointment shall be made in the same manner in which the appointment of his predecessor was made.

(c) The Commission is authorized to appoint, without reference to the Classification Act of 1949 (Public Law 429, 81st Congress, approved October 28, 1949), an executive director and such editorial and clerical staff as the Commission may determine to be necessary. Members of the Commission who represent any branch or agency of the Government shall serve as members of the Commission without additional compensation. All members of the Commission shall be reimbursed for transportation expenses incurred in attending meetings of the Commission, and all such members other than those who represent any branch or agency of the Government of the United States shall receive in lieu of subsistence en route to or from or at the place of such service, for each day actually spent in connection with the performance of their duties as members of such Commission, such sum, not to exceed \$25, as the Commission shall prescribe.

(d) The Commission shall make plans, estimates, and recommendations for such historical works and collections of sources as it deems appropriate for printing or otherwise recording at the public expense. The Commission shall also cooperate with and encourage appropriate Federal, State, and local agencies and nongovernmental institutions, societies, and individuals in collecting and preserving and, when it deems such action to be desirable, in editing and publishing the papers of outstanding citizens of the United States and such other documents as may be important for an understanding and appreciation of the history of the United States. The Chairman of the Commission shall transmit to the Administrator from time to time, and at least once annually, such plans, estimates, and recommendations as have been approved by the Commission.

#### FEDERAL RECORDS COUNCIL

SEC. 504. The Administrator shall establish a Federal Records Council, and shall advise and consult with the Council with a view to obtaining its advice and assistance in carrying out the purposes of this title. The Council shall include representatives of the legislative, judicial, and executive branches of the Government in such number as the Administrator shall determine, but such Council shall include at least four representatives of the legislative branch, at least two representatives of the judicial branch, and at least six representatives of the executive branch. Members of the Council representing the legislative branch shall be designated, in equal number, by the President of the Senate and the Speaker of the House of Representatives, respectively. Members of the Council representing the judicial branch shall be designated by the Chief Justice of the United States. The Administrator is authorized to designate from persons named by the head of any executive agency concerned, not more than one representative from such agency to serve as a member of the Council. Members of the Council shall serve without compensation, but shall be reimbursed for all necessary expenses actually incurred in the performance of their duties as members of the Council. The Council shall elect its chairman, and shall meet at least once annually.

#### RECORDS MANAGEMENT; THE ADMINISTRATOR

SEC. 505. (a) The Administrator shall make provisions for the economical and efficient management of records of Federal agencies (1) by analyzing, developing, promoting, and coordinating standards, procedures, and techniques designed to improve the management of records, to insure the maintenance and security of records deemed appropriate for preservation, and to facilitate the segregation and disposal of records of temporary value, and (2) by promoting the efficient and economical utilization of space, equipment, and supplies needed for the purpose of creating, maintaining, storing, and servicing records.

(b) The Administrator shall establish standards for the selective retention of records of continuing value, and assist Federal agencies in applying such standards to records in their custody; and he shall notify the head of any Federal agency of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction



of records in the custody of such agency that shall come to his attention, and assist the head of such agency in initiating action through the Attorney General for the recovery of such records as shall have been unlawfully removed and for such other redress as may be provided by law.

(c) The Administrator is authorized to inspect or survey personally or by deputy the records of any Federal agency, as well as to make surveys of records management and records disposal practices in such agencies, and shall be given the full cooperation of officials and employees of agencies in such inspections and surveys: Provided, That records, the use of which is restricted by or pursuant to law or for reasons of national security or the public interest, shall be inspected or surveyed in accordance with regulations promulgated by the Administrator, subject to the approval of the head of the custodial agency.

(d) The Administrator is authorized to establish, maintain, and operate records centers for the storage, processing, and servicing of records for Federal agencies pending their deposit with the National Archives of the United States or their disposition in any other manner authorized by law; and to establish, maintain, and operate centralized microfilming services for Federal agencies.

(e) Subject to applicable provisions of law, the Administrator shall promulgate regulations governing the transfer of records from the custody of one executive agency to that of another.

(f) The Administrator may empower any Federal agency, upon the submission of evidence of need therefor, to retain records for a longer period than that specified in disposal schedules approved by Congress, and, in accordance with regulations promulgated by him, may withdraw disposal authorizations covering records listed in disposal schedules approved by Congress.

#### RECORDS MANAGEMENT; THE AGENCY HEADS

SEC. 506. (a) The head of each Federal agency shall cause to be made and preserved records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities.

(b) The head of each Federal agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency. Such program shall, among other things, provide for (1) effective controls over the creation, maintenance, and use of records in the conduct of current business; (2) cooperation with the Administrator in applying standards, procedures, and techniques designed to improve the management of records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records of temporary value; and (3) compliance with the provisions of this title and the regulations issued thereunder.

(c) Whenever the head of a Federal agency determines that substantial economies or increased operating efficiency can be effected thereby, he shall provide for the storage, processing, and servicing of records that are appropriate therefor in a records center maintained and operated by the Administrator or, when approved by the Administrator, in such a center maintained and operated by the head of such Federal agency.

(d) Any official of the Government who is authorized to certify to facts on the basis of records in his custody, is hereby authorized to certify to facts on the basis of records that have been transferred by him or his predecessors to the Administrator.

(e) The head of each Federal agency shall establish such safeguards against the removal or loss of records as he shall determine to be necessary and as may be required by regulations of the Administrator. Such safeguards shall include making it known to all officials and employees of the agency (1) that no records in the custody of the agency are to be alienated or destroyed except in accordance with the provisions of the Act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434), and (2) the penalties provided by law for the unlawful removal or destruction of records.

(f) The head of each Federal agency shall notify the Administrator of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency of which he is the head that shall come to his attention, and with the assistance of the Administrator shall initiate action through the Attorney General for the recovery of records he knows or has reason to believe have been unlawfully removed from his agency, or from any other Federal agency whose records have been transferred to his legal custody.

(g) Nothing in this title shall be construed as limiting the authority of the Comptroller General of the United States with respect to prescribing accounting systems, forms, and procedures, or lessening the responsibility of collecting and disbursing officers for rendition of their accounts for settlement by the General Accounting Office.

## ARCHIVAL ADMINISTRATION

SEC. 507. (a) *The Administrator, whenever it appears to him to be in the public interest, is hereby authorized—*

(1) *to accept for deposit with the National Archives of the United States the records of any Federal agency or of the Congress of the United States that are determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government;*

(2) *to direct and effect with the approval of the head of the originating agency (or if the existence of such agency shall have been terminated, then with the approval of his successor in function, if any) the transfer of records deposited (or approved for deposit) with the National Archives of the United States to public or educational institutions or associations: Provided, That the title to such records shall remain vested in the United States unless otherwise authorized by Congress; and*

(3) *to direct and effect the transfer of materials from private sources authorized to be received by the Administrator by the provisions of subsection (e) of this section.*

(b) *The Administrator shall be responsible for the custody, use, and withdrawal of records transferred to him: Provided, That whenever any records the use of which is subject to statutory limitations and restrictions are so transferred, permissive and restrictive statutory provisions with respect to the examination and use of such records applicable to the head of the agency from which the records were transferred or to employees of that agency shall thereafter likewise be applicable to the Administrator, the Archivist, and to the employees of the General Services Administration, respectively: Provided further, That whenever the head of any agency shall specify in writing restrictions that appear to him to be necessary or desirable in the public interest, on the use or examination of records being considered for transfer from his custody to the Administrator, the Administrator shall impose such restrictions on the records so transferred, and shall not remove or relax such restrictions without the concurrence in writing of the head of the agency from which the material shall have been transferred (or if the existence of such agency shall have been terminated, then he shall not remove or relax such restrictions without the concurrence of the successor in function, if any, of such agency head): Provided, however, That statutory and other restrictions referred to in the provisos of this subsection shall not remain in force or effect after the records have been in existence for fifty years unless the Administrator by order shall determine with respect to specific bodies of records that such restrictions shall remain in force and effect for a longer period: And provided further, That restrictions on the use or examination of records deposited with the National Archives of the United States heretofore imposed and now in force and effect under the terms of section 3 of the National Archives Act, approved June 19, 1934, shall continue in force and effect regardless of the expiration of the tenure of office of the official who imposed them but may be removed or relaxed by the Administrator with the concurrence in writing of the head of the agency from which material has been transferred (or if the existence of such agency shall have been terminated, then with the concurrence in writing of his successor in function, if any).*

(f) *The Administrator shall make provisions for the preservation, arrangement, repair and rehabilitation, duplication and reproduction (including microcopy publications), description, and exhibition of records transferred to him as may be needful or appropriate, including the preparation and publication of inventories, indexes, catalogs, and other finding aids or guides facilitating their use; and, when approved by the National Historical Publications Commission, he may also publish such historical works and collections of sources as seem appropriate for printing or otherwise recording at the public expense.*

(d) *The Administrator shall make such provisions and maintain such facilities as he deems necessary or desirable for servicing records in his custody that are not exempt from examination by statutory provisions or other restrictions.*

(e) *The Administrator may accept for deposit—*

(1) *the personal papers and other personal historical documentary materials of the present President of the United States, his successors, heads of executive departments, and such other officials of the Government as the President may designate, offered for deposit under restrictions respecting their use specified in writing by the prospective depositors: Provided, That restrictions so specified on such materials, or any portions thereof, accepted by the Administrator for such deposit shall have force and effect during the lifetime of the depositor or for a period not to exceed twenty-five years, whichever is longer, unless sooner terminated in writing by the depositor or his legal heirs: And provided further,*

*That the Archivist determines that the materials accepted for such deposit will have continuing historical or other values;*

(2) *motion-picture films, still pictures, and sound recordings from private sources that are appropriate for preservation by the Government as evidence of its organization, functions, policies, decisions, procedures, and transactions.*

*Title to materials so deposited under this subsection shall pass to and vest in the United States.*

(j) *The Administrator is hereby authorized to make and preserve motion-picture films, still pictures, and sound recordings pertaining to and illustrative of the historical development of the United States Government and its activities, and to make provisions for preparing, editing, tilling, scoring, processing, duplicating, reproducing, exhibiting, and releasing for non-profit educational purposes motion-picture films, still pictures, and sound recordings in his custody.*

#### REPORTS

SEC. 508. (a) *The Administrator is hereby authorized whenever he deems it necessary to obtain reports from Federal agencies on their activities under the provisions of this title and the Act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434).*

(b) *The Administrator shall, whenever he finds that any provisions of this title have been or are being violated, inform in writing the head of the agency concerned of such violations and make recommendations regarding means of correcting them. Unless corrective measures satisfactory to the Administrator are inaugurated within a reasonable time, the Administrator shall submit a written report thereon to the President and the Congress.*

#### LEGAL STATUS OF REPRODUCTIONS

SEC. 509. (a) *Whenever any records that are required by statute to be retained indefinitely have been reproduced by photographic, microphotographic, or other processes, in accordance with standards established by the Administrator, the indefinite retention of such photographic, microphotographic, or other reproduction will be deemed to constitute compliance with the statutory requirement for the indefinite retention of such original records. Such reproductions, as well as reproductions made in compliance with regulations promulgated to carry out this title, shall have the same legal status as the originals thereof.*

(b) *There shall be an official seal for the National Archives of the United States which shall be judicially noticed. When any copy or reproduction, furnished under the terms hereof, is authenticated by such official seal and certified by the Administrator, such copy or reproduction shall be admitted in evidence equally with the original from which it was made.*

(c) *The Administrator may charge a fee not in excess of 10 per centum above the costs or expenses for making or authenticating copies or reproductions of materials transferred to his custody. All such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund provided for in section 5 of the Act approved July 9, 1941. There shall be no charge for making or authenticating copies or reproductions of such materials for official use by the United States Government: Provided, That reimbursement may be accepted to cover the cost of furnishing such copies or reproductions that could not otherwise be furnished.*

#### LIMITATION ON LIABILITY

SEC. 510. *With respect to letters and other intellectual productions (exclusive of material copyrighted or patented) after they come into the custody or possession of the Administrator, neither the United States nor its agent shall be liable for any infringement of literary property rights or analogous rights arising thereafter out of use of such materials for display, inspection, research, reproduction, or other purposes.*

#### DEFINITIONS

SEC. 511. *When used in this title—*

(a) *The term "records" shall have the meaning given to such term by section 1 of the Act entitled "An Act to provide for the disposal of certain records of the United States Government," approved July 7, 1943 (57 Stat. 380, as amended; 44 U. S. C. 366);*

(b) *The terms "records center" means an establishment maintained by the Administrator or by a Federal agency primarily for the storage, servicing, security, and process-*



ing of records, that must be preserved for varying periods of time and need not be retained in office equipment and space;

(c) The term "servicing" means making available for use information in records and other materials in the custody of the Administrator—

(1) by furnishing such records or other materials, or information from such records or other materials, or copies or reproductions thereof to agencies of the Government for official use and to the public; and

(2) by making and furnishing authenticated or unauthenticated copies or reproductions of such records and other materials;

(d) The term "National Archives of the United States" means those official records that have been determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government, and have been accepted by the Administrator for deposit in his custody;

(e) The term "unauthenticated copies" means exact copies or reproductions of records or other materials that are not certified as such under seal and that need not be legally accepted as evidence; and

(f) The term "Archivist" means the Archivist of the United States.

## TITLE [V] VI. GENERAL PROVISIONS

### APPLICABILITY OF EXISTING PROCEDURES

SEC. [501] 601. All policies, procedures, and directives prescribed \* \* \*

### REPEAL AND SAVING PROVISION

Sec. [502] 602. (a) There are hereby repealed \* \* \*

(30) the Act of February 27, 1929 (45 Stat. 1341; 41 U. S. C. 7a, 7b, 7c, and 7d); [and]

(31) section 1 of the Act of May 14, 1935 (49 Stat. 234; 41 U. S. C. 7c-1[.]);

(32) the Act entitled "An Act to establish a National Archives of the United States Government, and for other purposes", approved June 19, 1934 (48 Stat. 1122-1124, as amended; 44 U. S. C. 300, 300a, 300c-k); and

(33) section 4 of the Act of February 3, 1905 (33 Stat. 687, as amended; 5 U. S. C. 77).

(b) There are hereby superseded—

(1) [The] the provisions of the first, third, and fifth paragraphs of section 1 of Executive Order Numbered 6166 of June 10, 1933, [are hereby superseded] insofar as they relate to any function now administered by the Bureau of Federal Supply except functions with respect to standard contract forms[.]; and

(2) sections 2 and 4 of the Act entitled "An Act to provide for the disposal of certain records of the United States Government", approved July 7, 1943 (57 Stat. 381, as amended; 44 U. S. C. 367 and 369), to the extent that the provisions thereof are inconsistent with the provisions of title V of this Act.

(c) The authority conferred by this Act shall be [is] in addition and paramount to any authority conferred by any other law and shall not be subject to the provisions of any law inconsistent herewith, except that sections 205 (b) and 206 (c) of this Act shall not be applicable to any Government corporation or agency which is subject to the Government Corporation Control Act (59 Stat. 597; 31 U. S. C. 841).

(d) Nothing in this Act shall impair or affect any authority of \* \* \*

(17) the Central Intelligence Agency;

[(18) except as provided in subsections (a) and (b) hereof, any other law relating to the procurement, utilization, or disposal of property: *Provided*, That, subject to, and within the scope of authority conferred on the Administrator by other provisions of this Act, he is authorized to prescribe regulations to govern any procurement, utilization, or disposal of property under any such law, whenever but only to the extent he deems such action necessary to effectuate the provisions of title II; nor]

(18) the Joint Committee on Printing, under the Act entitled "An Act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895 (28 Stat. 601), as amended, or any other Act; or

(19) for such period of time as the President may specify, any other authority of any executive agency which the President determines within one year after the effective date of this Act should, in the public interest, stand unimpaired by this Act.



SEC. 602. (e) *No provision of this Act as originally enacted or as subsequently amended shall apply to the Senate or the House of Representatives (including the Architect of the Capitol and any building, activity, or function under his direction), but any of the services and facilities authorized by this Act to be rendered or furnished shall, as far as practicable, be made available to the Senate, the House of Representatives, or the Architect of the Capitol, upon their request. If payment would be required for the rendition or furnishing of a similar service or facility to an executive agency, payment therefor shall be made by the recipient thereof, upon presentation of proper vouchers, in advance or by reimbursement (as may be agreed upon by the Administrator and the officer or body making such request). Such payment may be credited to the applicable appropriation of the executive agency receiving such payment. Notwithstanding the provisions of this subsection, subsection 210 (b) and subsection 210 (c) of this Act shall not apply to any building, project or grounds, or to any activity, heretofore placed under the Architect of the Capitol by any provision of law.*

SEC. 602. [(e)] (f) Section 3709, Revised Statutes, as amended (41 U. S. C. 5), is amended by striking out "\$100" wherever it appears therein and inserting in lieu thereof "\$500".

#### AUTHORIZATIONS FOR APPROPRIATIONS AND TRANSFER AUTHORITY

SEC. [503] 603. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act [ ], *including payment in advance, when authorized by the Administrator, for library memberships in societies whose publications are available to members only, or to members at a price lower than that charged to the general public.*

(b) When authorized by the Director of the Bureau of the Budget, any Federal agency may use, for the disposition of property under this Act, and for its care and handling pending such disposition, any funds heretofore or hereafter appropriated, allocated, or available to it for purposes similar to those provided for in sections 201, 202, 203, and 205 of this Act.

#### SEPARABILITY

SEC. [504] 604. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

#### EFFECTIVE DATE

SEC. [505] 605. This Act shall become effective on July 1, 1949, except that the provisions of section [502] 602 (a) (2) (repealing prior law relating to the disposition of the affairs of the War Assets Administration) shall become effective on June 30, 1949.

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SEC. 11 of the bill reads as follows:

*"All laws or parts of law in conflict with the provisions of this Act or with any amendment made thereby are, to the extent of such conflict, hereby repealed."*

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NOTE.—There appears hereinafter a comparison of the National Archives Act, repealed by section 7 (d) of the bill, and the Federal Records Act of 1950, which would be enacted in lieu thereof by section 6 (d) of the bill.

#### THE NATIONAL ARCHIVES ACT, APPROVED JUNE 19, 1934, AS AMENDED (44 U. S. C. 300, 300A, 300C-K)

[There is hereby created the Office of the Archivist of the United States, the Archivist to be appointed by the President of the United States, by and with the advice and consent of the Senate.]

[SEC. 2. The salary of the Archivist shall be \$10,000 annually. All persons to be employed in the National Archives Establishment shall be appointed by the Archivist solely with reference to their fitness for their particular duties and without regard to civil-service law; and the Archivist shall make rules and regulations for the government of the National Archives; but any official or employee

with the salary of \$5,000 or over shall be appointed by the President by and with the advice and consent of the Senate.<sup>1</sup>

[SEC. 3. All archives or records belonging to the Government of the United States (legislative, executive, judicial, and other) shall be under the charge and superintendence of the Archivist to this extent: He shall have full power] (Sec. 505 (c)) *The Administrator is authorized to inspect or survey personally or by deputy the records of any Federal agency [of the United States Government whatsoever and wheresoever located], as well as to make surveys of records management and records disposal practices in such agencies, and shall [have] be given the full cooperation of [any and all persons in charge of such records] officials and employees of agencies in such inspections[,] and surveys: Provided, That records, the use of which is restricted by or pursuant to law or for reasons of national security or the public interest, shall be inspected or surveyed in accordance with regulations promulgated by the Administrator, subject to the approval of the head of the custodial agency. [and to requisition for transfer to the National Archives Establishment such archives, or records as the National Archives Council, hereafter provided shall approve for such transfer.]* (Sec. 507. (a)) *The Administrator, whenever it appears to him to be in the public interest, is hereby authorized—*

(1) *to accept for deposit with the National Archives of the United States the records of any Federal agency or of the Congress of the United States that are determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government;*

(2) *to direct and effect with the approval of the head of the originating agency (or if the existence of such agency shall have been terminated, then with the approval of its successor in function, if any) the transfer of records deposited (or approved for deposit) with the National Archives of the United States to public or educational institutions or associations: Provided, That the title to such records shall remain vested in the United States unless otherwise authorized by Congress; and*

(3) *to direct and effect the transfer of materials from private sources authorized to be received by the Administrator by the provisions of subsection (c) of this section.* (Sec. 507. (e)) *The Administrator may accept for deposit—*

(1) *the personal papers and other personal historical documentary materials of the present President of the United States, his successors, heads of executive departments, and such other officials of the Government as the President may designate, offered for deposit under restrictions respecting their use specified in writing by the prospective depositors: Provided, That restrictions so specified on such materials, or any portions thereof, accepted by the Administrator for such deposit shall have force and effect during the lifetime of the depositor or for a period not to exceed twenty-five years, whichever is longer, unless sooner terminated in writing by the depositor or his legal heirs: And provided further, That the Archivist determines that the materials accepted for such deposit will have continuing historical or other values; [and he shall have authority to make regulations for the arrangement.]* (Sec. 507. (b)) *The Administrator shall be responsible for the custody, use, and withdrawal of [material deposited in the National Archives Building] records transferred to him: Provided further, That whenever the head of any agency shall specify in writing restrictions that appear to him to be necessary or desirable in the public interest, on the use or examination of records being considered for transfer from his custody to [that of] the [Archivist] Administrator [that appear to him to be necessary or desirable in the public interest,] the [Archivist] Administrator shall impose such restrictions on [such of] the records [as are] so transferred, [to his custody:] and [restrictions so imposed] shall not [be removed or relaxed by the Archivist] remove or relax such restrictions without the concurrence in writing of the head of the agency from which the material shall have been transferred [unless] (or if the existence of [that] such agency shall have been terminated [;], then*

<sup>1</sup> Some of the provisions of this section have been superseded by the following provisions in the Independent Offices Appropriation Act, 1939, approved May 23, 1938 (52 Stat. 421): "Provided further, That six months after the date of approval of this Act, notwithstanding any provisions to the contrary in section 2 of The National Archives Act, approved June 19, 1934, and section 1 of the Federal Register Act, approved July 29, 1935, all persons employed in The National Archives establishment under section 2 of The National Archives Act and section 1 of the Federal Register Act shall be appointed by the Archivist in accordance with the civil-service laws and the Classification Act of 1923, as amended: And provided further, That all persons employed under section 2 of The National Archives Act and section 1 of the Federal Register Act in said establishment six months after the date of approval of this Act, regardless of the method by which they were appointed, who do not have a competitive classified civil-service status shall acquire such a status (1) upon recommendation by the Archivist and certification by him to the Civil Service Commission that such persons have rendered satisfactory service in said establishment for not less than six months and (2) upon passing such suitable noncompetitive tests as the Civil Service Commission shall prescribe."

he shall not remove or relax such restrictions without the concurrence of his successor in function, if any, of such agency head): *Provided, however, That statutory and other restrictions referred to in the provisos of this subsection shall not remain in force or effect after the records have been in existence for fifty years unless the Administrator by order shall determine with respect to specific bodies of records that such restrictions shall remain in force and effect for a longer period: And provided further, That restrictions on the use or examination of records [in the custody of the Archivist] deposited with the National Archives of the United States heretofore imposed and now in force and effect under the terms of section 3 of the National Archives Act, approved June 19, 1934, shall continue in force and effect regardless of the expiration of the tenure of office of the official who imposed them but may be removed or relaxed by the [Archivist] Administrator with the concurrence in writing of the head of the agency from which [the] material has been transferred [or by the Archivist alone] (or if the existence of [that] such agency shall have been terminated [.] , then with the concurrence in writing of his successor in function, if any).*

[Sec. 4. The] (Sec. 502.) *The Administrator shall have immediate custody and control of the National Archives Building [and such other buildings, grounds, and equipment as may from time to time become a part of the National Archives Establishment (except as the same is vested by law in the Director of National Buildings, Parks, and Reservations)] and [their] its contents, [shall be vested in the Archivist of the United States.] and shall have authority to design, construct, purchase, lease, maintain, operate, protect, and improve buildings used by him for the storage of records of Federal agencies in the District of Columbia and elsewhere.*

[Sec. 5. That] (Sec. 503. (a)) *There is hereby created [also] a National Historical Publications Commission [which] (Sec. 503. (d)) The Commission shall make plans, estimates, and recommendations for such historical works and collections of sources as [seem] it deems appropriate for [publication and/or] printing or otherwise recorded at the public expense [.] . The Commission shall also cooperate with and encourage appropriate Federal, State, and local agencies and nongovernmental institutions, societies, and individuals in collecting and preserving and, when it deems such action to be desirable, in editing and publishing the papers of outstanding citizens of the United States and such other documents as may be important for an understanding and appreciation of the history of the United States. The Chairman of the Commission shall transmit to the Administrator from time to time and at least once annually, such plans, estimates, and recommendations as have been approved by the Commission. [said Commission to consist of the Archivist of the United States, who shall be its chairman; the historical adviser of the Department of State; the chief of the historical section of the War Department, General Staff; the superintendent of Naval records in the Navy Department; the Chief of the Division of Manuscripts in the Library of Congress; and two members of the American Historical Association appointed by the president thereof from among those persons who are or have been members of the executive council of the said association: *Provided, That the preparation and publication of annual and special reports on the archives and records of the Government, guides, inventory lists, catalogs, and other instruments facilitating the use of the collections shall have precedence over detailed calendars and textual reproductions. This Commission shall meet at least once a year, and the members shall serve without compensation except repayment of expenses actually incurred in attending meetings of the Commission.*] (Sec. 503. (a)) consisting of the Archivist (or an alternate designated by him), who shall be chairman; the Librarian of Congress (or an alternate designated by him); one Member of the United States Senate to be appointed, for a term of four years, by the President of the Senate; one Member of the House of Representatives to be appointed, for a term of two years, by the Speaker of the House of Representatives; one representative of the judicial branch of the Government to be appointed, for a term of four years, by the Chief Justice of the United States; one representative of the Department of State to be appointed, for a term of four years, by the Secretary of State; one representative of the Department of Defense to be appointed, for a term of four years, by the Secretary of Defense; two members of the American Historical Association to be appointed by the council of the said association, one of whom shall serve an initial term of two years and the other an initial term of three years, but their successors shall be appointed for terms of four years; and two other members outstanding in the fields of the social or physical sciences to be appointed by the President of the United States, one of whom shall serve an initial term of one year and the other an initial term of three years, but their successors shall be appointed for terms of four years. The Commission shall meet annually and on call of the Chairman.*



(b) Any person appointed to fill a vacancy in the membership of the Commission shall be appointed only for the unexpired term of the member whom he shall succeed, and his appointment shall be made in the same manner in which the appointment of his predecessor was made.

(c) The Commission is authorized to appoint, without reference to the Classification Act of 1949 (Public Law 429, 81st Congress, approved October 28, 1949), an executive director and such an editorial and clerical staff as the Commission may determine to be necessary. Members of the Commission who represent any branch or agency of the Government shall serve as members of the Commission without additional compensation. All members of the Commission shall be reimbursed for transportation expenses incurred in attending meetings of the Commission, and all such members other than those who represent any branch or agency of the Government of the United States shall receive in lieu of subsistence en route to or from or at the place of such service, for each day actually spent in connection with the performance of their duties as members of such Commission, such sum, not to exceed \$25, as the Commission shall prescribe.

[SEC. 6. That there is hereby further created a National Archives Council composed of the Secretaries of each of the executive departments of the Government (or an alternate from each department to be named by the Secretary thereof), the Chairman of the Senate Committee on the Library, the Chairman of the House Committee on the Library, the Librarian of Congress, the Secretary of the Smithsonian Institution, and the Archivist of the United States. The said Council shall define the classes of material which shall be transferred to the National Archives Building and establish regulations governing such transfer; and shall have power to advise the Archivist in respect to regulations governing the disposition and use of the archives and records transferred to his custody.] (Sec. 504.) The Administrator shall establish a Federal Records Council, and shall advise and consult with the Council with a view to obtaining its advice and assistance in carrying out the purposes of this title. The Council shall include representatives of the legislative, judicial, and executive branches of the Government in such number as the Administrator shall determine, but such Council shall include at least four representatives of the legislative branch, at least two representatives of the judicial branch, and at least six representatives of the executive branch. Members of the Council representing the legislative branch shall be designated, in equal number, by the President of the Senate and the Speaker of the House of Representatives, respectively. Members of the Council representing the judicial branch shall be designated by the Chief Justice of the United States. The Administrator is authorized to designate from persons named by the head of any executive agency concerned, not more than one representative from such agency to serve as a member of the Council. Members of the Council shall serve without compensation, but shall be reimbursed for all necessary expenses actually incurred in the performance of their duties as members of the Council. The Council shall elect its chairman, and shall meet at least once annually.

[SEC. 6a.] (Sec. 507 (b)) \* \* \* Provided, That whenever any records the use of which is subject to statutory limitations and restrictions are so transferred, [to the custody of the Archivist of the United States,] permissive and restrictive statutory provisions with respect to the examination and use of such records applicable to the head of the agency [having custody of them] from which the records were transferred or to employees of that agency shall thereafter likewise be applicable to the Administrator, the Archivist, [of the United States] and to the employees of the [National Archives Establishment] General Services Administration, respectively [.] :

[SEC. 7. The National Archives may also accept, store, and preserve] (Sec. 507 (e)) The Administrator may accept for deposit \* \* \* (2) motion picture films, still pictures, and sound recordings from private sources [pertaining to and illustrative of historical activities of the United States, and in connection therewith maintain a projecting room for showing such films and reproducing such sound recordings for historical purposes and study.] that are appropriate for preservation by the Government as evidence of its organization, functions, policies, decisions, procedures, and transactions. Title to materials so deposited under this subsection shall pass to and rest in the United States.

[SEC. 8. That the National Archives shall have an official seal which will be judicially noticed.

The Archivist of the United States may make or reproduce and furnish authenticated or unauthenticated copies of any of the documentary, photographic or other archives or records in his custody that are not exempt from examination as confidential or protected by subsisting copyright, and may charge therefor a fee



sufficient to cover the cost or expenses thereof. All such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund created by section 5 of the National Archives Trust Fund Board Act. There shall be no charge for the making or authentication of such copies or reproductions furnished to any department or other agency of the Government for official use. When any such copy or reproduction furnished under the terms hereof is authenticated by the official seal of The National Archives and certified by the Archivist of the United States, or in his name attested by the head of any office or the chief of any division of the National Archives designated by the Archivist with such authority, it shall be admitted in evidence equally with the original from which it was made.】 *Sec. 509. (b) There shall be an official seal for the National Archives of the United States which shall be judicially noticed. When any copy or reproduction, furnished under the terms hereof, is authenticated by such official seal and certified by the Administrator, such copy or reproduction shall be admitted in evidence equally with the original from which it was made.*

*(c) The Administrator may charge a fee not in excess of 10 per centum above the costs or expenses for making or authenticating copies or reproductions of materials transferred to his custody. All such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund provided for in section 5 of the Act approved July 9, 1941. There shall be no charge for making or authenticating copies or reproductions of such materials for official use by the United States Government: Provided, That reimbursement may be accepted to cover the cost of furnishing such copies or reproductions that could not otherwise be furnished.*

【SEC. 82.】 *Sec. 506. (c) Any official of the [United States] Government who is authorized [to make certifications or determinations] to certify to facts on the basis of records in his custody, is hereby authorized to [make certifications or determinations] certify to facts on the basis of records that have been transferred by him or his predecessors to the [custody of the Archivist of the United States] Administrator.*

【SEC. 9. That the Archivist shall make to Congress, at the beginning of each regular session, a report for the preceding fiscal year as to the National Archives, the said report including a detailed statement of all accessions and of all receipts and expenditures on account of the said establishment. He shall also transmit to Congress the recommendations of the Commission on National Historical Publications, and, on January 1 of each year, with the approval of the Council, a list or description of the papers, documents, and so forth (among the archives and records of the Government), which appear to have no permanent value or historical interest, and which, with the concurrence of the Government agency concerned, and subject to the approval of Congress, shall be destroyed or otherwise effectively disposed of.】

【SEC. 10. That there are hereby authorized such appropriations as may be necessary for the maintenance of the National Archives Building and the administration of the collections, the expenses, and work of the Commission on National Historical Publications, the supply of necessary equipment and expenses incidental to the operations aforesaid, including transfer of records to the Archives Building; printing and binding; personal services in the District of Columbia and elsewhere; travel and subsistence and per diem in lieu of subsistence, notwithstanding the provisions of any other Acts; stenographic services by contract or otherwise as may be deemed necessary; purchases and exchange of books and maps;】 *(Sec. 7. (g) striking out the period at the end of section 603 (a) thereof and inserting in lieu thereof a comma and the following: "including payment in advance, when authorized by the [Archivist] Administrator, for library memberships in societies whose publications are available to members only or to members at a price lower than that charged to the general public;"]; [purchase, exchange, and operation of motor vehicles; and all absolutely necessary contingent expenses, all to be expended under the direction of the Archivist, who shall annually submit to Congress estimates therefor in the manner prescribed by law.]*

【SEC. 11. All Acts or parts of Acts relating to the charge and superintendency custody, preservation, and disposition of official papers and documents of executive departments and other governmental agencies inconsistent with the provisions of this Act are hereby repealed.】

SEC. 6. *The Federal property and Administrative Services Act of 1949 is amended by—*

(a) redesignating "title V" of such Act as "title VI" thereof, and "title V", wherever it appears therein, is amended to read "title VI";

(b) redesignating sections 501–505, inclusive, of such Act, respectively, as sections 601–605, inclusive, thereof, and wherever any such section number appears in such Act as originally enacted, it is amended to conform in numbering to the redesignation prescribed by this subsection;

(c) inserting at the proper place in the table of contents to such Act the following:

**"TITLE V—FEDERAL RECORDS**

"Sec. 501. Short title.

"Sec. 502. Custody and control of property.

"Sec. 503. National Historical Publications Commission.

"Sec. 504. Federal Records Council.

"Sec. 505. Records management; the Administrator.

"Sec. 506. Records management; agency heads.

"Sec. 507. Archival administration.

"Sec. 508. Reports.

"Sec. 509. Legal status of reproductions.

"Sec. 510. Limitation on liability.

"Sec. 511. Definitions."

(d) inserting, immediately following title IV thereof, the following new title:

**"TITLE V—FEDERAL RECORDS**

**"SHORT TITLE**

"Sec. 501. This title may be cited as the 'Federal Records Act of 1950'.

**"RECORDS MANAGEMENT: THE ADMINISTRATOR**

"Sec. 505. (a) The Administrator shall make provisions for the economical and efficient management of records of Federal agencies (1) by analyzing, developing, promoting, and coordinating standards, procedures, and techniques designed to improve the management of records, to insure the maintenance and security of records deemed appropriate for preservation, and to facilitate the segregation and disposal of records of temporary value, and (2) by promoting the efficient and economical utilization of space, equipment, and supplies needed for the purpose of creating, maintaining, storing, and servicing records.

"(b) The Administrator shall establish standards for the selective retention of records of continuing value, and assist Federal agencies in applying such standards to records in their custody; and he shall notify the head of any Federal agency of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of such agency that shall come to his attention, and assist the head of such agency in initiating action through the Attorney General for the recovery of such records as shall have been unlawfully removed and for such other redress as may be provided by law.

"(d) The Administrator is authorized to establish, maintain, and operate records centers for the storage, processing, and servicing of records for Federal agencies pending their deposit with the National Archives of the United States or their disposition in any other manner authorized by law; and to establish, maintain, and operate centralized microfilming services for Federal agencies.

"(e) Subject to applicable provisions of law, the Administrator shall promulgate regulations governing the transfer of records from the custody of one executive agency to that of another.

"(f) The Administrator may empower any Federal agency, upon the submission of evidence of need therefor, to retain records for a longer period than that specified in disposal schedules approved by Congress, and, in accordance with regulations promulgated by him, may withdraw disposal authorizations covering records listed in disposal schedules approved by Congress.

**"RECORDS MANAGEMENT; AGENCY HEADS**

"Sec. 506. (a) The head of each Federal agency shall cause to be made and preserved records containing adequate and proper documentation of the organization functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities.

"(b) The head of each Federal agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency. Such program shall, among other things, provide for (1) effective controls over the creation, maintenance, and use of records in the conduct of current business; (2) cooperation with the Administrator in applying standards, procedures, and techniques designed to improve the management of records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records of temporary value; and (3) compliance with the provisions of this title and the regulations issued thereunder.

"(c) Whenever the head of a Federal agency determines that substantial economies or increased operating efficiency can be effected thereby, he shall provide for the storage, processing, and servicing of records that are appropriate therefor in a records center maintained and operated by the Administrator or, when approved by the Administrator, in such a center maintained and operated by the head of such Federal agency.

"(e) The head of each Federal agency shall establish such safeguards against the removal or loss of records as he shall determine to be necessary and as may be required by regulations of the Administrator. Such safeguards shall include making it known to all officials and employees of the agency (1) that no records in the custody of the agency are to be alienated or destroyed except in accordance with the provisions of the Act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434), and (2) the penalties provided by law for the unlawful removal or destruction of records.

"(f) The head of each Federal agency shall notify the Administrator of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency of which he is the head that shall come to his attention, and with the assistance of the Administrator shall initiate action through the Attorney General for the recovery of records he knows or has reason to believe have been unlawfully removed from his agency, or from any other Federal agency whose records have been transferred to his legal custody.

"(g) Nothing in this title shall be construed as limiting the authority of the Comptroller General of the United States with respect to prescribing accounting systems, forms, and procedures, or lessening the responsibility of collecting and disbursing officers for rendition of their accounts for settlement by the General Accounting Office.

"SEC. 507. (c) The Administrator shall make provisions for the preservation, arrangement, repair and rehabilitation, duplication and reproduction (including microcopy publications), description, and exhibition of records transferred to him as may be needful or appropriate, including the preparation and publication of inventories, indexes, catalogs, and other finding aids or guides facilitating their use; and, when approved by the National Historical Publications Commission, he may also publish such historical works and collections of sources as seem appropriate for printing or otherwise recording at the public expense.

"(d) The Administrator shall make such provisions and maintain such facilities as he deems necessary or desirable for servicing records in his custody that are not exempt from examination by statutory provisions or other restrictions.

"(f) The Administrator is hereby authorized to make and preserve motion-picture films, still pictures, and sound recordings pertaining to and illustrative of the historical development of the United States Government and its activities, and to make provisions for preparing, editing, tilling, scoring, processing, duplicating, reproducing, exhibiting, and releasing for nonprofit educational purposes motion-picture films, still pictures, and sound recordings in his custody.

#### "REPORTS

"SEC. 508. (a) The Administrator is hereby authorized whenever he deems it necessary to obtain reports from Federal agencies on their activities under the provisions of this title and the Act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434).

"(b) The Administrator shall, whenever he finds that any provisions of this title have been or are being violated, inform in writing the head of the agency concerned of such violations and make recommendations regarding means of correcting them. Unless corrective measures satisfactory to the Administrator are inaugurated within a reasonable time, the Administrator shall submit a written report thereon to the President and the Congress.



*"LEGAL STATUS OF REPRODUCTIONS"*

"SEC. 509. (a) Whenever any records that are required by statute to be retained indefinitely have been reproduced by photographic, microphotographic, or other processes, in accordance with standards established by the Administrator, the indefinite retention of such photographic, microphotographic, or other reproductions will be deemed to constitute compliance with the statutory requirement for the indefinite retention of such original records. Such reproductions, as well as reproductions made in compliance with regulations promulgated to carry out this title, shall have the same legal status as the originals thereof.

*"LIMITATION ON LIABILITY"*

"SEC. 510. With respect to letters and other intellectual productions (exclusive of material copyrighted or patented) after they come into the custody or possession of the Administrator, neither the United States nor its agents shall be liable for any infringement of literary property rights or analogous rights arising thereafter out of use of such materials for display, inspection, research, reproduction, or other purposes.

*"DEFINITIONS"*

"SEC. 511. When used in this title—

"(a) The term 'records' shall have the meaning given to such term by section 1 of the Act entitled 'An Act to provide for the disposal of certain records of the United States Government', approved July 7, 1943 (57 Stat. 380, as amended; 44 U. S. C. 366);

"(b) The term 'records center' means an establishment maintained by the Administrator or by a Federal agency primarily for the storage, servicing, security, and processing of records that must be preserved for varying periods of time and need not be retained in office equipment and space;

"(c) The term 'servicing' means making available for use information in records and other materials in the custody of the Administrator—

"(1) by furnishing such records or other materials, or information from such records or other materials, or copies or reproductions thereof to agencies of the Government for official use and to the public; and

"(2) by making and furnishing authenticated or unauthenticated copies or reproductions of such records and other materials;

"(d) The term 'National Archives of the United States' means those official records that have been determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government, and have been accepted by the Administrator for deposit in his custody;

"(e) The term 'unauthenticated copies' means exact copies or reproductions of records or other materials that are not certified as such under seal and that need not be legally accepted as evidence; and

"(f) The term 'Archivist' means the Archivist of the United States."

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RECORDS DISPOSAL ACT, APPROVED JULY 7, 1943, AS AMENDED (44 U. S. C. 366-380)

SEC. 2. [The National Archives Council] (The Administrator)<sup>1</sup> shall [promulgate] (prescribe)<sup>1</sup> regulations, not inconsistent with this Act, establishing (1) procedures for the compiling and submitting to the Archivist of the United States of lists and schedules of records proposed for disposal, (2) procedures for the disposal of records authorized for disposal, and (3) standards for the reproduction of records by photographic or microphotographic processes with a view to the disposal of the original records. Such regulations, when approved by the President, shall be binding on all agencies of the United States Government.

<sup>1</sup> Sec. 205 (c) of the Federal Property and Administrative Services Act of 1949 includes the provision that the "Administrator shall prescribe such regulations as he deems necessary to effectuate his functions under this Act. \* \* \*"



SEC. 4. The [Archivist] (Administrator)<sup>2</sup> shall submit to Congress, at such times as he shall deem expedient, the lists or schedules submitted to him in accordance with the provisions of section 3 of this Act, or parts of such lists or schedules, and lists or schedules of any records in his legal custody, insofar as it shall appear to him that the records listed in such lists or schedules do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the United States Government: Provided, That the [Archivist] (Administrator)<sup>2</sup> shall not submit to Congress lists or schedules of records of any existing agency of the Government in his legal custody without first having obtained the written consent of the head of such agency.

The [Archivist] (Administrator)<sup>2</sup> may also submit to Congress, [together with recommendations of the National Archives Council with respect thereto, and] at such times as he may deem expedient, schedules proposing the disposal, after the lapse of specified periods of time, of records of a specified form or character common to several or all agencies that either have accumulated or may accumulate in such agencies and that apparently will not, after the lapse of the periods specified, have sufficient administrative, legal, research, or other value to warrant their further preservation by the United States Government.

(SEC. 7. (e)) amending subsection 602 (b) to read as follows:

“(b) There are hereby superseded—

\* \* \* \* \*

(2) sections 2 and 4 of the Act entitled “An Act to provide for the disposal of certain records of the United States Government”, approved July 7, 1943 (57 Stat. 381, as amended; 44 U. S. C. 367 and 369), to the extent that the provisions thereof are inconsistent with the provisions of title V of this Act.

<sup>2</sup> Sec. 104 (a) of the Federal Property and Administrative Services Act of 1949 includes the provision that there “are transferred to the Administrator (1) the functions of the Archivist of the United States, except that. \* \* \*”



Calendar No. 2140

81<sup>ST</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 3959**

[Report No. 2140]

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IN THE SENATE OF THE UNITED STATES

JULY 24 (legislative day, JULY 20), 1950

Mr. McCLELLAN, from the Committee on Expenditures in the Executive Departments, reported the following bill; which was read twice and ordered to be placed on the calendar

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**A BILL**

To amend the Federal Property and Administrative Services Act of 1949, and for other purposes.

1     *Be it enacted by the Senate and House of Representa-*  
2     *tives of the United States of America in Congress assembled,*  
3     That the parenthetical expression appearing in clause (1)  
4     of the final sentence of subsection (a) of section 109 of the  
5     Federal Property and Administrative Services Act of 1949  
6     (Public Law 152, Eighty-first Congress) is amended to read  
7     as follows: “(including the purchase from or through the  
8     Public Printer, for warehouse issue, of standard forms, blank-  
9     book work, standard specifications, and other printed ma-  
10    terial in common use by Federal agencies not available  
11    through the Superintendent of Documents)”.

1        SEC. 2. (a) Clause (2) of the final sentence of sub-  
2 section (a) of section 109 of the Federal Property and  
3 Administrative Services Act of 1949, as hereinbefore  
4 amended, is amended to read as follows: “(2) for paying  
5 the purchase price, transportation to first storage point of  
6 supplies and services, and the cost of personal services  
7 employed directly in the repair, rehabilitation, and con-  
8 version of personal property.”

9        (b) The third sentence of subsection (b) of section  
10 109 of such Act is amended to read as follows: “On and  
11 after such date, such prices shall be fixed at levels so as to  
12 recover so far as practicable the applicable purchase price,  
13 the transportation cost to first storage point, inventory losses,  
14 the cost of personal services employed directly in the repair,  
15 rehabilitation, and conversion of personal property, and the  
16 cost of amortization and repair of equipment utilized for  
17 lease or rent to executive agencies.”

18        (c) The amendments made by this section shall be  
19 effective on the date, not earlier than July 1, 1950, on which  
20 the Administrator of General Services shall determine that  
21 appropriated funds adequate to effectuate the purposes of  
22 such amendments have been made available.

23        SEC. 3. (a) The final sentence of subsection (b) of  
24 section 109 of the Federal Property and Administrative  
25 Services Act of 1949 is amended to read as follows: “Where

1 an advance of funds is not made, the General Services Ad-  
2 ministration shall be reimbursed promptly out of funds of the  
3 requisitioning agency in accordance with accounting pro-  
4 cedures approved by the Comptroller General: *Provided*,  
5 That in any case where payment shall not have been made  
6 by the requisitioning agency within 45 days after the date  
7 of billing by the Administrator or the date on which an actual  
8 liability for supplies or services is incurred by the Admin-  
9 istrator, whichever is the later, reimbursement may be ob-  
10 tained by the Administrator by the issuance of transfer and  
11 counterwarrants, or other lawful transfer documents, sup-  
12 ported by itemized invoices.”

13 (b) Section 109 of the Federal Property and Admin-  
14 istrative Services Act of 1949 is amended by adding at the  
15 end thereof the following new subsection:

16 “(g) Whenever any producer or vendor shall tender  
17 any article or commodity for sale to the General Services  
18 Administration or to any procurement authority acting under  
19 the direction and control of the Administrator pursuant to  
20 this Act, the Administrator is authorized in his discretion,  
21 with the consent of such producer or vendor, to cause to be  
22 conducted, in such manner as the Administrator shall specify,  
23 such tests as he shall prescribe to determine whether such  
24 article or commodity conforms to prescribed specifications  
25 and standards. When the Administrator determines that the



1 making of such tests will serve predominantly the interest  
2 of such producer or vendor, he shall charge such producer  
3 or vendor a fee which shall be fixed by the Administrator  
4 in such amount as will recover the cost of conducting such  
5 tests, including all components of such cost, determined in  
6 accordance with accepted accounting principles. When the  
7 Administrator determines that the making of such tests will  
8 not serve predominantly the interest of such producer or  
9 vendor, he shall charge such producer or vendor such fee as  
10 he shall determine to be reasonable for the furnishing of  
11 such testing service. All such fees collected by the Adminis-  
12 trator may be deposited in the General Supply Fund to be  
13 used for any purpose authorized by subsection 109 (a) of  
14 this Act.”

15 SEC. 4. Paragraphs (1) and (2) of section 203 (j) of  
16 the Federal Property and Administrative Services Act of  
17 1949 are amended to read as follows:

18 “(1) Under such regulations as he may prescribe, the  
19 Administrator is authorized in his discretion to donate for  
20 educational purposes or public health purposes, including  
21 research, in the States, Territories, and possessions without  
22 cost (except for costs of care and handling) such equipment,  
23 materials, books, or other supplies under the control of  
24 any executive agency as shall have been determined to be  
25 surplus property and which shall have been determined under

1 paragraph (2) or paragraph (3) of this subsection to be  
2 usable and necessary for educational purposes or public  
3 health purposes, including research.

4 “(2) Determination whether such surplus property  
5 (except surplus property donated in conformity with para-  
6 graph (3) of this subsection) is usable and necessary for  
7 educational purposes or public health purposes, including  
8 research, shall be made by the Federal Security Admin-  
9 istrator, who shall allocate such property on the basis of  
10 needs and utilization for transfer by the Administrator  
11 of General Services to tax-supported medical institutions,  
12 hospitals, clinics, health centers, school systems, schools,  
13 colleges, and universities, and to other nonprofit medical  
14 institutions, hospitals, clinics, health centers, schools, colleges,  
15 and universities which have been held exempt from taxation  
16 under section 101 (6) of the Internal Revenue Code, or  
17 to State departments of education or health for distribution  
18 to such tax-supported and nonprofit medical institutions,  
19 hospitals, clinics, health centers, school systems, schools,  
20 colleges, and universities; except that in any State where  
21 another agency is designated by State law for such purpose  
22 such transfer shall be made to said agency for such distribu-  
23 tion within the State.”

24 SEC. 5. The Federal Property and Administrative Serv-  
25 ices Act of 1949 is amended by—

1           (a) redesignating section 210 thereof as section  
2           212, and wherever such section number appears in such  
3           Act as originally enacted, it is amended to conform to  
4           the redesignation prescribed by this subsection;

5           (b) inserting in the table of contents appearing in  
6           the first section of such Act, immediately after the line  
7           in which "Sec. 209." appears, the following:

          "Sec. 210. Operation of buildings and related activities.

          "Sec. 211. Motor vehicle identification."

8           (c) inserting, immediately after section 209  
9           thereof, the following new sections:

10          "OPERATION OF BUILDINGS AND RELATED ACTIVITIES

11          "SEC. 210 (a) Whenever and to the extent that the  
12          Administrator has been or hereafter may be authorized by  
13          any provision of law other than this subsection to main-  
14          tain, operate, and protect any building, property, or grounds  
15          situated in or outside the District of Columbia, including the  
16          construction, repair, preservation, demolition, furnishing, and  
17          equipment thereof, he is authorized in the discharge of the  
18          duties so conferred upon him—

19                 "(1) to purchase, repair, and clean uniforms for  
20          civilian employees of the General Services Administra-  
21          tion who are required by law or regulation to wear  
22          uniform clothing;

23                 "(2) to furnish arms and ammunition for the pro-

1       tection force maintained by the General Services Ad-  
2       ministration;

3           “(3) to pay ground rent for buildings owned by  
4       the United States or occupied by Federal agencies, and  
5       to pay such rent in advance when required by law or  
6       when the Administrator shall determine such action to  
7       be in the public interest;

8           “(4) to employ and pay personnel employed in  
9       connection with the functions of operation, maintenance,  
10      and protection of property at such per diem rates as  
11      may be approved by the Administrator, not exceeding  
12      rates currently paid by private industry for similar serv-  
13      ices in the place where such services are performed;

14          “(5) without regard to the provisions of section 322  
15      of the Act of June 30, 1932 (47 Stat. 412), as amend-  
16      ed, to pay rental, and to make repairs, alterations, and  
17      improvements under the terms of any lease entered into  
18      by, or transferred to, the General Services Administra-  
19      tion for the housing of any Federal agency which on  
20      June 30, 1950, was specifically exempted by law from  
21      the requirements of said section;

22          “(6) to obtain payments, through advances or  
23      otherwise, for services, space, quarters, maintenance,  
24      repair, or other facilities furnished, on a reimbursable  
25      basis, to any other Federal agency, or any mixed-owner-



1 ship corporation (as defined in the Government Cor-  
2 poration Control Act), or the District of Columbia, and  
3 to credit such payments to the applicable appropriation  
4 of the General Services Administration;

5 “(7) to make changes in, maintain, and repair the  
6 pneumatic tube system connecting buildings owned by  
7 the United States or occupied by Federal agencies in  
8 New York City installed under franchise of the city of  
9 New York, approved June 29, 1909, and June 11,  
10 1928, and to make payments of any obligations arising  
11 thereunder in accordance with the provisions of the Acts  
12 approved August 5, 1909 (36 Stat. 120), and May 15  
13 1928 (45 Stat. 533);

14 “(8) to repair, alter, and improve rented premises,  
15 without regard to the 25 per centum limitation of section  
16 322 of the Act of June 30, 1932 (47 Stat. 412), as  
17 amended, upon a determination by the Administrator that  
18 by reason of circumstances set forth in such determination  
19 the execution of such work, without reference to such  
20 limitation, is advantageous to the Government in terms  
21 of economy, efficiency, or national security. A copy of  
22 every such determination so made shall be furnished to  
23 the General Accounting Office;

24 “(9) to pay sums in lieu of taxes on real property  
25 declared surplus by Government corporations, pursuant

1 to the Surplus Property Act of 1944, where legal title  
2 to such property remains in any such Government  
3 corporation;

4 “(10) to furnish utilities and other services where  
5 such utilities and other services are not provided from  
6 other sources to persons, firms, or corporations occupy-  
7 ing or utilizing plants or portions of plants which con-  
8 stitute (A) a part of the National Industrial Reserve  
9 pursuant to the National Industrial Reserve Act of  
10 1948, or (B) surplus real property, and to credit the  
11 amounts received therefrom to the applicable appro-  
12 priation of the General Services Administration;

13 “(11) at the direction of the Secretary of Defense,  
14 to use proceeds received from insurance against damage  
15 to properties of the National Industrial Reserve for re-  
16 pair or restoration of the damaged properties; and

17 “(12) to acquire, by purchase, condemnation, or  
18 otherwise, real estate and interests therein.

19 “(b) At the request of any Federal agency or any  
20 mixed-ownership corporation (as defined in the Govern-  
21 ment Corporation Control Act), or the District of Columbia,  
22 the Administrator is hereby authorized to operate, maintain,  
23 and protect any building owned by the United States (or,  
24 in the case of any wholly owned or mixed-ownership Gov-

1 ernment corporation, by such corporation) and occupied by  
2 the agency or instrumentality making such request.

3       “(c) At the request of any Federal agency or any  
4 mixed-ownership corporation (as defined in the Govern-  
5 ment Corporation Control Act), or the District of Columbia,  
6 the Administrator is hereby authorized (1) to acquire land  
7 for buildings and projects authorized by the Congress; (2)  
8 to make or cause to be made, under contract or otherwise,  
9 surveys and test borings and to prepare plans and specifica-  
10 tions for such buildings and projects prior to the approval by  
11 the Attorney General of the title to the sites thereof; and  
12 (3) to contract for, and to supervise, the construction and  
13 development and the equipping of such buildings or projects.  
14 Any sum available to any such Federal agency or instru-  
15 mentality for any such building or project may be transferred  
16 by such agency to the General Services Administration in  
17 advance for such purposes as the Administrator shall deter-  
18 mine to be necessary, including the payment of salaries and  
19 expenses of personnel engaged in the preparation of plans  
20 and specifications or in field supervision, and for general  
21 office expenses to be incurred in the rendition of any such  
22 service.

1       “(d) Whenever the Director of the Bureau of the  
2 Budget shall determine such action to be in the interest of  
3 economy or efficiency, he shall transfer to the Administrator  
4 all functions then vested in any other executive agency with  
5 respect to the operation, maintenance, and custody of any  
6 office building owned by the United States or any wholly  
7 owned Government corporation, or any office building or  
8 part thereof occupied by any executive agency under any  
9 lease, except that no transfer shall be made under this  
10 subsection—

11           “(1) of any post-office building unless the Director  
12 shall first determine that such building is not used pre-  
13 dominantly for post-office purposes, and functions which  
14 are transferred hereunder to the Administrator with  
15 respect to any post-office building may be delegated by  
16 him only to another officer or employee of the General  
17 Services Administration or to the Postmaster General;

18           “(2) of any building located in any foreign country;

19           “(3) of any building located on the grounds of any  
20 fort, camp, post, arsenal, navy yard, naval training  
21 station, air field, proving ground, military supply depot,  
22 or school, or of any similar facility of the Department



1 of Defense, unless and to such extent as a permit for  
2 its use by another agency or agencies shall have been  
3 issued by the Secretary of Defense or his duly authorized  
4 representative;

5 “(4) of any building which the Director of the  
6 Bureau of the Budget finds to be a part of a group of  
7 buildings which are (A) located in the same vicinity,  
8 (B) utilized wholly or predominantly for the special  
9 purposes of the agency having custody thereof, and  
10 (C) not generally suitable for the use of other  
11 agencies; or

12 “(5) of the Treasury Building, the Bureau of En-  
13 graving and Printing Building, the buildings occupied  
14 by the National Bureau of Standards, and the buildings  
15 under the jurisdiction of the regents of the Smithsonian  
16 Institution.

17 “(e) Notwithstanding any other provision of law, the  
18 Administrator is authorized to assign and reassign space of  
19 all executive agencies in Government-owned and leased  
20 buildings in and outside the District of Columbia upon a de-  
21 termination by the Administrator that such assignment or  
22 reassignment is advantageous to the Government in terms  
23 of economy, efficiency, or national security.

## 1 "MOTOR VEHICLE IDENTIFICATION

2 "SEC. 211. Under regulations prescribed by the Admin-  
3 istrator, every motor vehicle acquired and used for official  
4 purposes within the United States, its Territories, or posses-  
5 sions, by any Federal agency or the District of Columbia  
6 shall be conspicuously identified by showing thereon  
7 either (a) the full name of the department, establishment,  
8 corporation, or agency by which it is used and the service in  
9 which it is used, or (b) a title descriptive of the service in  
10 which it is used if such title readily identifies the department,  
11 establishment, corporation, or agency concerned, and the  
12 legend 'For official use only': *Provided*, That the regulations  
13 issued pursuant to this section may provide for exemptions  
14 from the requirements of this section when conspicuous iden-  
15 tification would interfere with the purpose for which a vehicle  
16 is acquired and used."

17 SEC. 6. The Federal Property and Administrative Serv-  
18 ices Act of 1949 is amended by—

19 (a) redesignating "title V" of such Act as "title  
20 VI" thereof, and "title V", wherever it appears therein,  
21 is amended to read "title VI";

22 (b) redesignating sections 501-505, inclusive, of  
23 such Act, respectively, as sections 601-605, inclusive,

1       thereof, and wherever any such section number appears  
 2       in such Act as originally enacted, it is amended to con-  
 3       form in numbering to the redesignation prescribed by  
 4       this subsection;

5               (c) inserting at the proper place in the table of con-  
 6       tents to such Act the following:

“TITLE V—FEDERAL RECORDS

- “Sec. 501. Short title.
- “Sec. 502. Custody and control of property.
- “Sec. 503. National Historical Publications Commission.
- “Sec. 504. Federal Records Council.
- “Sec. 505. Records management; the Administrator.
- “Sec. 506. Records management; agency heads.
- “Sec. 507. Archival administration.
- “Sec. 508. Reports.
- “Sec. 509. Legal status of reproductions.
- “Sec. 510. Limitation on liability.
- “Sec. 511. Definitions.”

7               (d) inserting, immediately following title IV  
 8       thereof, the following new title:

“TITLE V—FEDERAL RECORDS

“SHORT TITLE

11       “SEC. 501. This title may be cited as the ‘Federal  
 12       Records Act of 1950’.

“CUSTODY AND CONTROL OF PROPERTY

14       “SEC. 502. The Administrator shall have immediate  
 15       custody and control of the National Archives Building and  
 16       its contents, and shall have authority to design, construct,  
 17       purchase, lease, maintain, operate, protect, and improve  
 18       buildings used by him for the storage of records of Federal  
 19       agencies in the District of Columbia and elsewhere.

## 1     “NATIONAL HISTORICAL PUBLICATIONS COMMISSION

2     “SEC. 503. (a) There is hereby created a National  
3     Historical Publications Commission consisting of the  
4     Archivist (or an alternate designated by him), who shall  
5     be Chairman; the Librarian of Congress (or an alternate  
6     designated by him); one Member of the United States  
7     Senate to be appointed, for a term of four years, by the  
8     President of the Senate; one Member of the House of  
9     Representatives to be appointed, for a term of two years,  
10    by the Speaker of the House of Representatives; one repre-  
11    sentative of the judicial branch of the Government to be  
12    appointed, for a term of four years, by the Chief Justice  
13    of the United States; one representative of the Department  
14    of State to be appointed, for a term of four years, by the  
15    Secretary of State; one representative of the Department of  
16    Defense to be appointed, for a term of four years, by the  
17    Secretary of Defense; two members of the American His-  
18    torical Association to be appointed by the council of the  
19    said association, one of whom shall serve an initial term  
20    of two years and the other an initial term of three years,  
21    but their successors shall be appointed for terms of four  
22    years; and two other members outstanding in the fields  
23    of the social or physical sciences to be appointed by the  
24    President of the United States, one of whom shall serve  
25    an initial term of one year and the other an initial term



1 of three years, but their successors shall be appointed for  
2 terms of four years. The Commission shall meet annually  
3 and on call of the Chairman.

4 “(b) Any person appointed to fill a vacancy in the  
5 membership of the Commission shall be appointed only for  
6 the unexpired term of the member whom he shall succeed,  
7 and his appointment shall be made in the same manner in  
8 which the appointment of his predecessor was made.

9 “(c) The Commission is authorized to appoint, without  
10 reference to the Classification Act of 1949 (Public Law 429,  
11 81st Congress, approved October 28, 1949), an executive  
12 director and such an editorial and clerical staff as the Com-  
13 mission may determine to be necessary. Members of the  
14 Commission who represent any branch or agency of the  
15 Government shall serve as members of the Commission with-  
16 out additional compensation. All members of the Commis-  
17 sion shall be reimbursed for transportation expenses incurred  
18 in attending meetings of the Commission, and all such mem-  
19 bers other than those who represent any branch or agency  
20 of the Government of the United States shall receive in lieu  
21 of subsistence en route to or from or at the place of such  
22 service, for each day actually spent in connection with the  
23 performance of their duties as members of such Commission,  
24 such sum, not to exceed \$25, as the Commission shall  
25 prescribe.

1       “(d) The Commission shall make plans, estimates, and  
2 recommendations for such historical works and collections  
3 of sources as it deems appropriate for printing or otherwise  
4 recording at the public expense. The Commission shall also  
5 cooperate with and encourage appropriate Federal, State, and  
6 local agencies and nongovernmental institutions, societies,  
7 and individuals in collecting and preserving and, when it  
8 deems such action to be desirable, in editing and publishing  
9 the papers of outstanding citizens of the United States and  
10 such other documents as may be important for an under-  
11 standing and appreciation of the history of the United States.  
12 The Chairman of the Commission shall transmit to the  
13 Administrator from time to time, and at least once annually,  
14 such plans, estimates, and recommendations as have been  
15 approved by the Commission.

16                   “FEDERAL RECORDS COUNCIL

17       “SEC. 504. The Administrator shall establish a Federal  
18 Records Council, and shall advise and consult with the  
19 Council with a view to obtaining its advice and assistance  
20 in carrying out the purposes of this title. The Council shall  
21 include representatives of the legislative, judicial, and  
22 executive branches of the Government in such number as  
23 the Administrator shall determine, but such Council shall  
24 include at least four representatives of the legislative branch,

1 at least two representatives of the judicial branch, and at least  
2 six representatives of the executive branch. Members of  
3 the Council representing the legislative branch shall be desig-  
4 nated, in equal number, by the President of the Senate  
5 and the Speaker of the House of Representatives, respect-  
6 ively. Members of the Council representing the judicial  
7 branch shall be designated by the Chief Justice of the United  
8 States. The Administrator is authorized to designate from  
9 persons named by the head of any executive agency con-  
10 cerned, not more than one representative from such agency  
11 to serve as a member of the Council. Members of the  
12 Council shall serve without compensation, but shall be  
13 reimbursed for all necessary expenses actually incurred in  
14 the performance of their duties as members of the Council.  
15 The Council shall elect its chairman, and shall meet at  
16 least once annually.

17 "RECORDS MANAGEMENT; THE ADMINISTRATOR

18 "SEC. 505. (a) The Administrator shall make provi-  
19 sions for the economical and efficient management of records  
20 of Federal agencies (1) by analyzing, developing, promot-  
21 ing, and coordinating standards, procedures, and techniques  
22 designed to improve the management of records, to  
23 insure the maintenance and security of records deemed  
24 appropriate for preservation, and to facilitate the segrega-  
25 tion and disposal of records of temporary value, and (2)

1 by promoting the efficient and economical utilization of  
2 space, equipment, and supplies needed for the purpose of  
3 creating, maintaining, storing, and servicing records.

4 “(b) The Administrator shall establish standards for  
5 the selective retention of records of continuing value, and  
6 assist Federal agencies in applying such standards to records  
7 in their custody; and he shall notify the head of any Federal  
8 agency of any actual, impending, or threatened unlawful  
9 removal, defacing, alteration, or destruction of records in the  
10 custody of such agency that shall come to his attention, and  
11 assist the head of such agency in initiating action through  
12 the Attorney General for the recovery of such records as shall  
13 have been unlawfully removed and for such other redress  
14 as may be provided by law.

15 “(c) The Administrator is authorized to inspect or  
16 survey personally or by deputy the records of any Federal  
17 agency, as well as to make surveys of records management  
18 and records disposal practices in such agencies, and shall be  
19 given the full cooperation of officials and employees of agen-  
20 cies in such inspections and surveys: *Provided*, That records,  
21 the use of which is restricted by or pursuant to law or for  
22 reasons of national security or the public interest, shall be  
23 inspected or surveyed in accordance with regulations promul-  
24 gated by the Administrator, subject to the approval of the  
25 head of the custodial agency.



1       “(d) The Administrator is authorized to establish,  
2 maintain, and operate records centers for the storage, proc-  
3 essing, and servicing of records for Federal agencies pending  
4 their deposit with the National Archives of the United States  
5 or their disposition in any other manner authorized by law;  
6 and to establish, maintain, and operate centralized microfilm-  
7 ing services for Federal agencies.

8       “(e) Subject to applicable provisions of law, the Ad-  
9 ministrator shall promulgate regulations governing the  
10 transfer of records from the custody of one executive agency  
11 to that of another.

12       “(f) The Administrator may empower any Federal  
13 agency, upon the submission of evidence of need therefor, to  
14 retain records for a longer period than that specified in dis-  
15 posal schedules approved by Congress, and, in accordance  
16 with regulations promulgated by him, may withdraw dis-  
17 posal authorizations covering records listed in disposal  
18 schedules approved by Congress.

19               “RECORDS MANAGEMENT; AGENCY HEADS

20       “SEC. 506. (a) The head of each Federal agency shall  
21 cause to be made and preserved records containing adequate  
22 and proper documentation of the organization, functions,  
23 policies, decisions, procedures, and essential transactions of  
24 the agency and designed to furnish the information necessary

1 to protect the legal and financial rights of the Government  
2 and of persons directly affected by the agency's activities.

3       “(b) The head of each Federal agency shall establish  
4 and maintain an active, continuing program for the eco-  
5 nomical and efficient management of the records of the  
6 agency. Such program shall, among other things, provide  
7 for (1) effective controls over the creation, maintenance,  
8 and use of records in the conduct of current business; (2)  
9 cooperation with the Administrator in applying standards,  
10 procedures, and techniques designed to improve the man-  
11 agement of records, promote the maintenance and security  
12 of records deemed appropriate for preservation, and facilitate  
13 the segregation and disposal of records of temporary value;  
14 and (3) compliance with the provisions of this title and the  
15 regulations issued thereunder.

16       “(c) Whenever the head of a Federal agency deter-  
17 mines that substantial economies or increased operating  
18 efficiency can be effected thereby, he shall provide for  
19 the storage, processing, and servicing of records that  
20 are appropriate therefor in a records center maintained  
21 and operated by the Administrator or, when approved by  
22 the Administrator, in such a center maintained and operated  
23 by the head of such Federal agency.

1       “(d) Any official of the Government who is authorized  
2 to certify to facts on the basis of records in his custody, is  
3 hereby authorized to certify to facts on the basis of records  
4 that have been transferred by him or his predecessors to the  
5 Administrator.

6       “(e) The head of each Federal agency shall establish  
7 such safeguards against the removal or loss of records as he  
8 shall determine to be necessary and as may be required by  
9 regulations of the Administrator. Such safeguards shall in-  
10 clude making it known to all officials and employees of the  
11 agency (1) that no records in the custody of the agency are  
12 to be alienated or destroyed except in accordance with the  
13 provisions of the Act approved July 7, 1943 (57 Stat. 380-  
14 383), as amended July 6, 1945 (59 Stat. 434), and (2)  
15 the penalties provided by law for the unlawful removal or  
16 destruction of records.

17       “(f) The head of each Federal agency shall notify  
18 the Administrator of any actual, impending, or threatened  
19 unlawful removal, defacing, alteration, or destruction of  
20 records in the custody of the agency of which he is the  
21 head that shall come to his attention, and with the assist-  
22 ance of the Administrator shall initiate action through the  
23 Attorney General for the recovery of records he knows or  
24 has reason to believe have been unlawfully removed from

1 his agency, or from any other Federal agency whose records  
2 have been transferred to his legal custody.

3 “(g) Nothing in this title shall be construed as limiting  
4 the authority of the Comptroller General of the United  
5 States with respect to prescribing accounting systems, forms,  
6 and procedures, or lessening the responsibility of collecting  
7 and disbursing officers for rendition of their accounts for  
8 settlement by the General Accounting Office.

9 “ARCHIVAL ADMINISTRATION

10 “SEC. 507. (a) The Administrator, whenever it appears  
11 to him to be in the public interest, is hereby authorized—

12 . “(1) to accept for deposit with the National  
13 Archives of the United States the records of any Federal  
14 agency or of the Congress of the United States that  
15 are determined by the Archivist to have sufficient his-  
16 torical or other value to warrant their continued preser-  
17 vation by the United States Government;

18 “(2) to direct and effect with the approval of the  
19 head of the originating agency (or if the existence of  
20 such agency shall have been terminated, then with the  
21 approval of his successor in function, if any) the transfer  
22 of records deposited (or approved for deposit) with the  
23 National Archives of the United States to public or  
24 educational institutions or associations: *Provided, That*



1 the title to such records shall remain vested in the United  
2 States unless otherwise authorized by Congress; and

3 “(3) to direct and effect the transfer of materials  
4 from private sources authorized to be received by the  
5 Administrator by the provisions of subsection (e) of  
6 this section.

7 “(b) The Administrator shall be responsible for the  
8 custody, use, and withdrawal of records transferred to him:  
9 *Provided*, That whenever any records the use of which is  
10 subject to statutory limitations and restrictions are so trans-  
11 ferred, permissive and restrictive statutory provisions with  
12 respect to the examination and use of such records applicable  
13 to the head of the agency from which the records were  
14 transferred or to employees of that agency shall thereafter  
15 likewise be applicable to the Administrator, the Archivist,  
16 and to the employees of the General Services Administra-  
17 tion, respectively: *Provided further*, That whenever the head  
18 of any agency shall specify in writing restrictions that appear  
19 to him to be necessary or desirable in the public interest,  
20 on the use or examination of records being considered for  
21 transfer from his custody to the Administrator, the Ad-  
22 ministrator shall impose such restrictions on the records so  
23 transferred, and shall not remove or relax such restrictions  
24 without the concurrence in writing of the head of the agency  
25 from which the material shall have been transferred (or if

1 the existence of such agency shall have been terminated,  
2 then he shall not remove or release such restrictions without  
3 the concurrence of his successor in function, if any, of such  
4 agency head) : *Provided, however,* That statutory and other  
5 restrictions referred to in the provisos of this subsection shall  
6 not remain in force or effect after the records have been in  
7 existence for fifty years unless the Administrator by order  
8 shall determine with respect to specific bodies of records that  
9 such restrictions shall remain in force and effect for a longer  
10 period: *And provided further,* That restrictions on the use  
11 or examination of records deposited with the National  
12 Archives of the United States heretofore imposed and now  
13 in force and effect under the terms of section 3 of the  
14 National Archives Act, approved June 19, 1934, shall con-  
15 tinue in force and effect regardless of the expiration of the  
16 tenure of office of the official who imposed them but may  
17 be removed or relaxed by the Administrator with the con-  
18 currence in writing of the head of the agency from which  
19 material has been transferred (or if the existence of such  
20 agency shall have been terminated, then with the concurrence  
21 in writing of his successor in function, if any) .

22 “(c) The Administrator shall make provisions for the  
23 preservation, arrangement, repair and rehabilitation, dupli-  
24 cation and reproduction (including microcopy publications),  
25 description, and exhibition of records transferred to him as

1 may be needful or appropriate, including the preparation  
2 and publication of inventories, indexes, catalogs, and other  
3 finding aids or guides facilitating their use; and, when ap-  
4 proved by the National Historical Publications Commission,  
5 he may also publish such historical works and collections of  
6 sources as seem appropriate for printing or otherwise record-  
7 ing at the public expense.

8 “(d) The Administrator shall make such provisions and  
9 maintain such facilities as he deems necessary or desirable  
10 for servicing records in his custody that are not exempt  
11 from examination by statutory provisions or other restric-  
12 tions.

13 “(e) The Administrator may accept for deposit—

14 “(1) the personal papers and other personal his-  
15 torical documentary materials of the present President of  
16 the United States, his successors, heads of executive de-  
17 partments, and such other officials of the Government  
18 as the President may designate, offered for deposit under  
19 restrictions respecting their use specified in writing by  
20 the prospective depositors: *Provided*, That restrictions  
21 so specified on such materials, or any portions thereof,  
22 accepted by the Administrator for such deposit shall  
23 have force and effect during the lifetime of the depositor  
24 or for a period not to exceed twenty-five years, which-  
25 ever is longer, unless sooner terminated in writing by the

depositor or his legal heirs: *And provided further*, That the Archivist determines that the materials accepted for such deposit will have continuing historical or other values;

“(2) motion-picture films, still pictures, and sound recordings from private sources that are appropriate for preservation by the Government as evidence of its organization, functions, policies, decisions, procedures, and transactions.

Title to materials so deposited under this subsection shall pass to and vest in the United States.

“(f) The Administrator is hereby authorized to make and preserve motion-picture films, still pictures, and sound recordings pertaining to and illustrative of the historical development of the United States Government and its activities, and to make provisions for preparing, editing, titling, scoring, processing, duplicating, reproducing, exhibiting, and releasing for nonprofit educational purposes, motion-picture films, still pictures, and sound recordings in his custody.

#### “REPORTS

“SEC. 508. (a) The Administrator is hereby authorized whenever he deems it necessary to obtain reports from Federal agencies on their activities under the provisions of this title and the Act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434).



1       “(b) The Administrator shall, whenever he finds that  
2 any provisions of this title have been or are being violated,  
3 inform in writing the head of the agency concerned of such  
4 violations and make recommendations regarding means of  
5 correcting them. Unless corrective measures satisfactory to  
6 the Administrator are inaugurated within a reasonable time,  
7 the Administrator shall submit a written report thereon to  
8 the President and the Congress.

9                       “LEGAL STATUS OF REPRODUCTIONS

10       “SEC. 509. (a) Whenever any records that are re-  
11 quired by statute to be retained indefinitely have been  
12 reproduced by photographic, microphotographic, or other  
13 processes, in accordance with standards established by the  
14 Administrator, the indefinite retention of such photographic,  
15 microphotographic, or other reproductions will be deemed to  
16 constitute compliance with the statutory requirement for the  
17 indefinite retention of such original records. Such reproduc-  
18 tions, as well as reproductions made in compliance with  
19 regulations promulgated to carry out this title, shall have  
20 the same legal status as the originals thereof.

21       “(b) There shall be an official seal for the National  
22 Archives of the United States which shall be judicially  
23 noticed. When any copy or reproduction, furnished under  
24 the terms hereof, is authenticated by such official seal and

1 certified by the Administrator, such copy or reproduction  
2 shall be admitted in evidence equally with the original from  
3 which it was made.

4 “(c) The Administrator may charge a fee not in excess  
5 of 10 per centum above the costs or expenses for making  
6 or authenticating copies or reproductions of materials trans-  
7 ferred to his custody. All such fees shall be paid into,  
8 administered, and expended as a part of the National Ar-  
9 chives Trust Fund provided for in section 5 of the Act  
10 approved July 9, 1941. There shall be no charge for  
11 making or authenticating copies or reproductions of such  
12 materials for official use by the United States Government:  
13 *Provided*, That reimbursement may be accepted to cover  
14 the cost of furnishing such copies or reproductions that could  
15 not otherwise be furnished.

16 “LIMITATION ON LIABILITIES

17 “SEC. 510. With respect to letters and other intellectual  
18 productions (exclusive of material copyrighted or patented)  
19 after they come into the custody or possession of the Ad-  
20 ministrator, neither the United States nor its agents shall  
21 be liable for any infringement of literary property rights  
22 or analogous rights arising thereafter out of use of such  
23 materials for display, inspection, research, reproduction, or  
24 other purposes.

## “DEFINITIONS

“SEC. 511. When used in this title—

“(a) The term ‘records’ shall have the meaning given to such term by section 1 of the Act entitled ‘An Act to provide for the disposal of certain records of the United States Government’, approved July 7, 1943 (57 Stat. 380, as amended; 44 U. S. C. 366) ;

“(b) The term ‘record center’ means an establishment maintained by the Administrator or by a Federal agency primarily for the storage, servicing, security, and processing of records that must be preserved for varying periods of time and need not be retained in office equipment and space;

“(c) The term ‘servicing’ means making available for use information in records and other materials in the custody of the Administrator—

“(1) by furnishing such records or other materials, or information from such records or other materials, or copies or reproductions thereof to agencies of the Government for official use and to the public; and

“(2) by making and furnishing authenticated or unauthenticated copies or reproductions of such records and other materials;

“(d) The term ‘National Archives of the United States’ means those official records that have been determined by the Archivist to have sufficient historical or other

1 value to warrant their continued preservation by the United  
2 States Government, and have been accepted by the Admin-  
3 istrator for deposit in his custody;

4 “(e) The term ‘unauthenticated copies’ means exact  
5 copies or reproductions of records or other materials that are  
6 not certified as such under seal and that need not be legally  
7 accepted as evidence; and

8 “(f) The term ‘Archivist’ means the Archivist of the  
9 United States.”

10 SEC. 7. The Federal Property and Administrative  
11 Services Act of 1949 is further amended by—

12 (a) striking out the word “and” preceding “(2)”  
13 in subsection (d) of section 3 thereof; substituting a  
14 semicolon for the period at the end of said subsection;  
15 and adding at the end of such subsection the following:  
16 “and (3) records of the Federal Government.”;

17 (b) striking out, in section 208 (a) thereof, the  
18 expression “and V”, and inserting in lieu thereof the  
19 expression “V, and VI”;

20 (c) striking out, in section 208 (b) thereof, the  
21 expression “and V”, and inserting in lieu thereof the  
22 expression “V, and VI”;

23 (d) striking out the word “and” at the end of  
24 paragraph (30) of section 602 (a); striking out the  
25 period at the end of paragraph (31) of section 602 (a)



1 and inserting in lieu thereof a semicolon; and adding  
2 at the end of section 602 (a) the following new  
3 paragraphs:

4 “(32) the Act entitled ‘An Act to establish a  
5 National Archives of the United States Government,  
6 and for other purposes’, approved June 19, 1934 (48  
7 Stat. 1122-1124, as amended; 44 U. S. C. 300, 300a,  
8 300c-k) ; and

9 “(33) section 4 of the Act of February 3, 1905  
10 (33 Stat. 687, as amended; 5 U. S. C. 77).”

11 (e) amending subsections 602 (b) and (c) thereof  
12 to read as follows:

13 “(b) There are hereby superseded—

14 “(1) the provisions of the first, third, and fifth  
15 paragraphs of section 1 of Executive Order Numbered  
16 6166 of June 10, 1933, insofar as they relate to any  
17 function now administered by the Bureau of Federal  
18 Supply except functions with respect to standard con-  
19 tract forms; and

20 “(2) sections 2 and 4 of the Act entitled ‘An Act  
21 to provide for the disposal of certain records of the  
22 United States Government’, approved July 7, 1943  
23 (57 Stat. 381, as amended; 44 U. S. C. 367 and 369),  
24 to the extent that the provisions thereof are inconsistent  
25 with the provisions of title V of this Act.

1       “(c) The authority conferred by this Act shall be in  
2 addition and paramount to any authority conferred by any  
3 other law and shall not be subject to the provisions of any law  
4 inconsistent herewith, except that sections 205 (b) and  
5 206 (c) of this Act shall not be applicable to any Govern-  
6 ment corporation or agency which is subject to the Govern-  
7 ment Corporation Control Act (59 Stat. 597; 31 U. S. C.  
8 841).”

9       (f) amending paragraphs (17), (18), and (19)  
10 of section 602 (d) thereof to read as follows:

11       “(17) the Central Intelligence Agency;

12       “(18) the Joint Committee on Printing, under the  
13 Act entitled ‘An Act providing for the public printing  
14 and binding and the distribution of public documents’,  
15 approved January 12, 1895 (28 Stat. 601), as amended,  
16 or any other Act; or

17       “(19) for such period of time as the President may  
18 specify, any other authority of any executive agency  
19 which the President determines within one year after the  
20 effective date of this Act should, in the public interest,  
21 stand unimpaired by this Act.”

22       (g) striking out the period at the end of section  
23 603 (a) thereof and inserting in lieu thereof a comma  
24 and the following: “including payment in advance, when  
25 authorized by the Administrator, for library member-

1       ships in societies whose publications are available to  
2       members only, or to members at a price lower than  
3       that charged to the general public.”

4       SEC. 8. (a) Subsection 3 (b) of the Federal Property  
5       and Administrative Services Act of 1949 is amended to read  
6       as follows:

7       “(b) The term ‘Federal agency’ means any executive  
8       agency or any establishment in the legislative or judicial  
9       branch of the Government (except the Senate, the House of  
10      Representatives, and the Architect of the Capitol and any  
11      activities under his direction).”

12      (b) Section 201 (b) of the Federal Property and  
13      Administrative Services Act of 1949 is amended by striking  
14      out the expression “or the Senate, or the House of Repre-  
15      sentatives,”.

16      (c) Section 602 of the Federal Property and Admin-  
17      istrative Services Act of 1949 is amended by redesignating  
18      subsection (e) thereof as subsection (f), and inserting,  
19      immediately after subsection (d) thereof, the following new  
20      subsection:

21      “(e) No provision of this Act as originally enacted  
22      or as subsequently amended shall apply to the Senate or  
23      the House of Representatives (including the Architect of  
24      the Capitol and any building, activity, or function under his  
25      direction), but any of the services and facilities authorized

1 by this Act to be rendered or furnished shall, as far as prac-  
2 ticable, be made available to the Senate, the House of Repre-  
3 sentatives, or the Architect of the Capitol, upon their re-  
4 quest. If payment would be required for the rendition  
5 or furnishing of a similar service or facility to an executive  
6 agency, payment therefor shall be made by the recipient  
7 thereof, upon presentation of proper vouchers, in advance or  
8 by reimbursement (as may be agreed upon by the Admin-  
9 istrator and the officer or body making such request). Such  
10 payment may be credited to the applicable appropriation  
11 of the executive agency receiving such payment. Notwith-  
12 standing the provisions of this subsection, subsection 210  
13 (b) and subsection 210 (c) of this Act shall not apply to  
14 any building, project or grounds, or to any activity, hereto-  
15 fore placed under the Architect of the Capitol by any  
16 provision of law.”

17 SEC. 9. The Federal Property and Administrative Serv-  
18 ices Act of 1949, section 205 (h), is hereby amended by  
19 striking out the last word of the sentence “title” and insert-  
20 ing in lieu thereof the word “Act”.

21 SEC. 10. (a) Whenever any contract made on behalf  
22 of the Government by the head of any Federal agency, or  
23 by officers authorized by him so to do, includes a provision  
24 for liquidated damages for delay, the Comptroller General  
25 upon recommendation of such head is authorized and em-



1   powered to remit the whole or any part of such damages  
2   as in his discretion may be just and equitable.

3       (b) Section 306 of the Federal Property and Adminis-  
4   trative Services Act of 1949, is hereby repealed, and this sec-  
5   tion shall be effective as of July 1, 1949.

6       SEC. 11. All laws or parts of laws in conflict with the  
7   provisions of this Act or with any amendment made thereby  
8   are, to the extent of such conflict, hereby repealed.



81<sup>ST</sup> CONGRESS  
2<sup>D</sup> Session

**S. 3959**

[Report No. 2140]

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## **A BILL**

To amend the Federal Property and Administrative Services Act of 1949, and for other purposes.

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By Mr. McCLELLAN

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JULY 24 (Legislative day, JULY 20), 1950

Read twice and ordered to be placed on the calendar







dian Claims Commission, to provide for the powers, duties and functions thereof, and for other purposes,' approved August 13, 1946 (60 Stat. 1049); and

"(2) In the event that judgment or judgments shall be rendered by the Court of Claims in favor of said Indians, or any of them, or that favorable determination shall be given by the Indian Claims Commission to any such claim presented to the Commission;

is hereby authorized and directed to include in its decrees, or favorable determinations of any such claims, allowances to the heirs, personal representatives, or assigns, of Frank J. Boudinot, deceased, a former member of the Cherokee Tribe of Indians, who for many years was active in pressing the claims of the Cherokees against the United States by their request and direction and at his own expense, of a reasonable percentage, not to exceed 5 percent, of the amount allowed with respect to any such claim: *Provided*, That such allowances to the heirs, personal representatives, or assigns, of the said Frank J. Boudinot shall be in addition to any and all fees and expenses authorized by said acts of Congress, of March 19, 1924, April 25, 1932, and August 13, 1946; and this act shall not be construed to affect in any way the contracts with attorneys entered into thereunder: *Provided further*, That such allowances shall not be construed as a basis for any claim against the United States: *Provided further*, That the allowance in the aggregate shall not exceed \$100,000."

#### JURISDICTION IN CLAIM OF LOUIS J. MARX

The Senate proceeded to consider the bill (H. R. 4528) to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of Louis J. Marx, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause, and insert:

That, notwithstanding the provisions of title 28, United States Code, section 2680, jurisdiction is hereby conferred upon the United States District Court for the southern district of New York to hear, determine, and render judgment upon the claim of Louis J. Marx, New York, N. Y., against the United States on account of personal injuries sustained allegedly as a result of an assault by a soldier in the United States Army.

SEC. 2. Notwithstanding any statute of limitations or lapse of time, suit upon such claim may be instituted within any time of 1 year of the enactment of this act. In any such suit brought pursuant to this act, proceedings shall be had and the liability, if any, of the United States shall be determined in accordance with the provisions of law applicable in the case of tort claims against the United States (U. S. C., title 28, sec. 1346 (b) ): *Provided, however*, That nothing in this act does or shall constitute an admission of liability on the part of the United States.

The amendment was agreed to.

Mr. SCHOEPEL. Mr. President, I should like to ask the distinguished Senator how the bill will help the claimant, since the Government will not be liable for the events, under the Tort Claims Act?

Mr. McCARRAN. Mr. President, the bill would give him a right of action, regardless of the Tort Claims Act.

Let me say, in further explanation, and in further reply to the Senator, that the bill confers jurisdiction on the United States District Court to hear, determine and render judgment on this claim growing out of an altercation be-

tween this 70-year-old man and a United States soldier.

The altercation, which occurred on or near a United States Army motor pool in New York City, resulted in a hip injury requiring the expenditure of an amount in excess of \$10,000; and permanent disability is alleged. Several judicial determinations must be made, and the United States District Court is equipped to make them.

Mr. SCHOEPEL. I thank the Senator. I thought that one phase of this matter should be cleared up, because some of us have thought the question should be raised and cleared.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act conferring jurisdiction on the United States District Court for the Southern District of New York to hear, determine, and render judgment upon the claim of Louis J. Marx."

#### AMENDMENT OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

The bill (S. 3959) to amend the Federal Property and Administrative Services Act of 1949, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOUGLAS. In checking my copy of the calendar, I do not find a report for this bill. Let me ask whether a report on it has been filed.

Mr. McCLELLAN. Mr. President, what is the calendar number of the bill?

The PRESIDING OFFICER. It is Calendar No. 2140.

Mr. DOUGLAS. The report is not in my copy of the calendar, but I now find that a report was filed.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 3959) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the parenthetical expression appearing in clause (1) of the final sentence of subsection (a) of section 109 of the Federal Property and Administrative Services Act of 1949 (Public Law 152, 81st Cong.) is amended to read as follows: "(including the purchase from or through the Public Printer, for warehouse issue, of standard forms, blank-book work, standard specifications, and other printed material in common use by Federal agencies not available through the Superintendent of Documents)".

SEC. 2. (a) Clause (2) of the final sentence of subsection (a) of section 109 of the Federal Property and Administrative Services Act of 1949, as hereinbefore amended, is amended to read as follows: "(2) for paying the purchase price, trans-

portation to first storage point of supplies and services, and the cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property."

(b) The third sentence of subsection (b) of section 109 of such act is amended to read as follows: "On and after such date, such prices shall be fixed at levels so as to recover so far as practicable the applicable purchase price, the transportation cost to first storage point, inventory losses, the cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property, and the cost of amortization and repair of equipment utilized for lease or rent to executive agencies."

(c) The amendments made by this section shall be effective on the date, not earlier than July 1, 1950, on which the Administrator of General Services shall determine that appropriated funds adequate to effectuate the purposes of such amendments have been made available.

SEC. 3. (a) The final sentence of subsection (b) of section 109 of the Federal Property and Administrative Services Act of 1949 is amended to read as follows: "Where an advance of funds is not made, the General Services Administration shall be reimbursed promptly out of funds of the requisitioning agency in accordance with accounting procedures approved by the Comptroller General: *Provided*, That in any case where payment shall not have been made by the requisitioning agency within 45 days after the date of billing by the Administrator or the date on which an actual liability for supplies or services is incurred by the Administrator, whichever is the later, reimbursement may be obtained by the Administrator by the issuance of transfer and counterwarrants, or other lawful transfer documents, supported by itemized invoices."

(b) Section 109 of the Federal Property and Administrative Services Act of 1949 is amended by adding at the end thereof the following new subsection:

"(g) Whenever any producer or vendor shall tender any article or commodity for sale to the General Services Administration or to any procurement authority acting under the direction and control of the Administrator pursuant to this act, the Administrator is authorized in his discretion, with the consent of such producer or vendor, to cause to be conducted, in such manner as the Administrator shall specify, such tests as he shall prescribe to determine whether such article or commodity conforms to prescribed specifications and standards. When the Administrator determines that the making of such tests will serve predominantly the interest of such producer or vendor, he shall charge such producer or vendor a fee which shall be fixed by the Administrator in such amount as will recover the cost of conducting such tests, including all components of such cost, determined in accordance with accepted accounting principles. When the Administrator determines that the making of such tests will not serve predominantly the interest of such producer or vendor, he shall charge such producer or vendor such fee as he shall determine to be reasonable for the furnishing of such testing service. All such fees collected by the Administrator may be deposited in the General Supply Fund to be used for any purpose authorized by subsection 109 (a) of this act."

SEC. 4. Paragraphs (1) and (2) of section 203 (j) of the Federal Property and Administrative Services Act of 1949 are amended to read as follows:

"(1) Under such regulations as he may prescribe, the Administrator is authorized in his discretion to donate for educational purposes or public health purposes, including research, in the States, Territories, and possessions without cost (except for costs of care and handling) such equipment, materials, books, or other supplies under the



control of any executive agency as shall have been determined to be surplus property and which shall have been determined under paragraph (2) or paragraph (3) of this subsection to be usable and necessary for educational purposes or public health purposes, including research.

"(2) Determination whether such surplus property (except surplus property donated in conformity with paragraph (3) of this subsection) is usable and necessary for educational purposes or public health purposes, including research, shall be made by the Federal Security Administrator, who shall allocate such property on the basis of needs and utilization for transfer by the Administrator of General Services to tax-supported medical institutions, hospitals, clinics, health centers, school systems, schools, colleges, and universities, and to other nonprofit medical institutions, hospitals, clinics, health centers, schools, colleges, and universities which have been held exempt from taxation under section 101 (6) of the Internal Revenue Code, or to State departments of education or health for distribution to such tax-supported and nonprofit medical institutions, hospitals, clinics, health centers, school systems, schools, colleges, and universities; except that in any State where another agency is designated by State law for such purpose such transfer shall be made to said agency for such distribution within the State."

SEC. 5. The Federal Property and Administrative Services Act of 1949 is amended by—

(a) redesignating section 210 thereof as section 212, and wherever such section number appears in such act as originally enacted, it is amended to conform to the redesignation prescribed by this subsection;

(b) inserting in the table of contents appearing in the first section of such act, immediately after the line in which "Sec. 209," appears, the following:

"Sec. 210. Operation of buildings and related activities.

"Sec. 211. Motor vehicle identification."

(c) inserting, immediately after section 209 thereof, the following new sections:

**"OPERATION OF BUILDINGS AND RELATED ACTIVITIES"**

"Sec. 210. (a) Whenever and to the extent that the Administrator has been or hereafter may be authorized by any provision of law other than this subsection to maintain, operate, and protect any building, property, or grounds situated in or outside the District of Columbia, including the construction, repair, preservation, demolition, furnishing, and equipment thereof, he is authorized in the discharge of the duties so conferred upon him—

"(1) to purchase, repair, and clean uniforms for civilian employees of the General Services Administration who are required by law or regulation to wear uniform clothing;

"(2) to furnish arms and ammunition for the protection force maintained by the General Services Administration;

"(3) to pay ground rent for buildings owned by the United States or occupied by Federal agencies, and to pay such rent in advance when required by law or when the Administrator shall determine such action to be in the public interest;

"(4) to employ and pay personnel employed in connection with the functions of operation, maintenance, and protection of property at such per diem rates as may be approved by the Administrator, not exceeding rates currently paid by private industry for similar services in the place where such services are performed;

"(5) without regard to the provisions of section 322 of the Act of June 30, 1932 (47 Stat. 412), as amended, to pay rental, and to make repairs, alterations, and improvements under the terms of any lease entered into by, or transferred to, the General Services Administration for the housing of any Federal agency which on June 30, 1950, was

specifically exempted by law from the requirements of said section;

"(6) to obtain payments, through advances or otherwise, for services, space, quarters, maintenance, repair, or other facilities furnished, on a reimbursable basis, to any other Federal agency, or any mixed-ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, and to credit such payments to the applicable appropriation of the General Services Administration;

"(7) to make changes in, maintain, and repair the pneumatic tube system connecting buildings owned by the United States or occupied by Federal agencies in New York City installed under franchise of the city of New York, approved June 29, 1909, and June 11, 1928, and to make payments of any obligations arising thereunder in accordance with the provisions of the acts approved August 5, 1909 (36 Stat. 120), and May 15, 1928 (45 Stat. 533);

"(8) to repair, alter, and improve rented premises, without regard to the 25 percent limitation of section 322 of the act of June 30, 1932 (47 Stat. 412), as amended, upon a determination by the Administrator that by reason of circumstances set forth in such determination the execution of such work, without reference to such limitation, is advantageous to the Government in terms of economy, efficiency, or national security. A copy of every such determination so made shall be furnished to the General Accounting Office;

"(9) to pay sums in lieu of taxes on real property declared surplus by Government corporations, pursuant to the Surplus Property Act of 1944, where legal title to such property remains in any such Government corporation;

"(10) to furnish utilities and other services where such utilities and other services are not provided from other sources to persons, firms, or corporations occupying or utilizing plants or portions of plants which constitute (A) a part of the National Industrial Reserve pursuant to the National Industrial Reserve Act of 1948, or (B) surplus real property, and to credit the amounts received therefrom to the applicable appropriation of the General Services Administration;

"(11) at the direction of the Secretary of Defense, to use proceeds received from insurance against damage to properties of the National Industrial Reserve for repair or restoration of the damaged properties; and

"(12) to acquire, by purchase, condemnation, or otherwise, real estate and interests therein.

"(b) At the request of any Federal agency or any mixed-ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, the Administrator is hereby authorized to operate, maintain, and protect any building owned by the United States (or, in the case of any wholly owned or mixed-ownership Government corporation, by such corporation) and occupied by the agency or instrumentality making such request.

"(c) At the request of any Federal agency or any mixed-ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, the Administrator is hereby authorized (1) to acquire land for buildings and projects authorized by the Congress; (2) to make or cause to be made, under contract or otherwise, surveys and test borings and to prepare plans and specifications for such buildings and projects prior to the approval by the Attorney General of the title to the sites thereof; and (3) to contract for, and to supervise, the construction and development and the equipping of such buildings or projects. Any sum available to any such Federal agency or instrumentality for any such building or project may be transferred by such agency to the General Services Ad-

ministration in advance for such purposes as the Administrator shall determine to be necessary, including the payment of salaries and expenses of personnel engaged in the preparation of plans and specifications or in field supervision, and for general office expenses to be incurred in the rendition of any such service.

"(d) Whenever the Director of the Bureau of the Budget shall determine such action to be in the interest of economy or efficiency, he shall transfer to the Administrator all functions then vested in any other executive agency with respect to the operation, maintenance, and custody of any office building owned by the United States or any wholly owned Government corporation, or any office building or part thereof occupied by any executive agency under any lease, except that no transfer shall be made under this subsection—

"(1) of any post-office building unless the Director shall first determine that such building is not used predominantly for post-office purposes, and functions which are transferred hereunder to the Administrator with respect to any post-office building may be delegated by him only to another officer or employee of the General Services Administration or to the Postmaster General;

"(2) of any building located in any foreign country;

"(3) of any building located on the grounds of any fort, camp, post, arsenal, navy yard, naval training station, air field, proving ground, military supply depot, or school, or of any similar facility of the Department of Defense, unless and to such extent as a permit for its use by another agency or agencies shall have been issued by the Secretary of Defense or his duly authorized representative;

"(4) of any building which the Director of the Bureau of the Budget finds to be a part of a group of buildings which are (A) located in the same vicinity, (B) utilized wholly or predominantly for the special purposes of the agency having custody thereof, and (C) not generally suitable for the use of other agencies; or

"(5) of the Treasury Building, the Bureau of Engraving and Printing Building, the buildings occupied by the National Bureau of Standards, and the buildings under the jurisdiction of the regents of the Smithsonian Institution.

"(e) Notwithstanding any other provision of law, the Administrator is authorized to assign and reassign space of all executive agencies in Government-owned and leased buildings in and outside the District of Columbia upon a determination by the Administrator that such assignment or reassignment is advantageous to the Government in terms of economy, efficiency, or national security.

**"MOTOR VEHICLE IDENTIFICATION"**

"Sec. 211. Under regulations prescribed by the Administrator, every motor vehicle acquired and used for official purposes within the United States, its Territories, or possessions, by any Federal agency or the District of Columbia shall be conspicuously identified by showing thereon either (a) the full name of the department, establishment, corporation, or agency by which it is used and the service in which it is used, or (b) a title descriptive of the service in which it is used if such title readily identifies the department, establishment, corporation, or agency concerned, and the legend 'For official use only': *Provided*, That the regulations issued pursuant to this section may provide for exemptions from the requirements of this section when conspicuous identification would interfere with the purpose for which a vehicle is acquired and used."

SEC. 6. The Federal Property and Administrative Services Act of 1949 is amended by—

(a) redesignating "title V" of such act as "title VI" thereof, and "title V", wherever



it appears therein, is amended to read "title VI";

(b) redesignating sections 501-505, inclusive, of such act, respectively, as sections 601-605, inclusive, thereof, and wherever any such section number appears in such act as originally enacted, it is amended to conform in numbering to the redesignation prescribed by this subsection;

(c) inserting at the proper place in the table of contents to such act the following:

"TITLE V—FEDERAL RECORDS

"Sec. 501. Short title.

"Sec. 502. Custody and control of property.

"Sec. 503. National Historical Publications Commission.

"Sec. 504. Federal Records Council.

"Sec. 505. Records management; the Administrator.

"Sec. 506. Records management; agency heads.

"Sec. 507. Archival administration.

"Sec. 508. Reports.

"Sec. 509. Legal status of reproductions.

"Sec. 510. Limitation on liability.

"Sec. 511. Definitions."

(d) Inserting, immediately following title IV thereof, the following new title:

"TITLE V—FEDERAL RECORDS

"SHORT TITLE

"Sec. 501. This title may be cited as the 'Federal Records Act of 1950'.

"CUSTODY AND CONTROL OF PROPERTY

"Sec. 502. The Administrator shall have immediate custody and control of the National Archives Building and its contents, and shall have authority to design, construct, purchase, lease, maintain, operate, protect, and improve buildings used by him for the storage of records of Federal agencies in the District of Columbia and elsewhere.

"NATIONAL HISTORICAL PUBLICATIONS COMMISSION

"Sec. 503. (a) There is hereby created a National Historical Publications Commission consisting of the Archivist (or an alternate designated by him), who shall be Chairman; the Librarian of Congress (or an alternate designated by him); one Member of the United States Senate to be appointed, for a term of 4 years, by the President of the Senate; one Member of the House of Representatives to be appointed, for a term of 2 years, by the Speaker of the House of Representatives, one representative of the judicial branch of the Government to be appointed, for a term of 4 years, by the Chief Justice of the United States; one representative of the Department of State to be appointed, for a term of 4 years, by the Secretary of State; one representative of the Department of Defense to be appointed, for a term of 4 years, by the Secretary of Defense; two members of the American Historical Association to be appointed by the council of the said association, one of whom shall serve an initial term of 2 years and the other an initial term of 3 years, but their successors shall be appointed for terms of 4 years; and two other members outstanding in the field of the social or physical sciences to be appointed by the President of the United States, one of who shall serve an initial term of 1 year and the other an initial term of three years, but their successors shall be appointed for terms of 4 years. The Commission shall meet annually and on call of the Chairman.

"(b) Any person appointed to fill a vacancy in the membership of the Commission shall be appointed only for the unexpired term of the member whom he shall succeed, and his appointment shall be made in the same manner in which the appointment of his predecessor was made.

"(c) The Commission is authorized to appoint, without reference to the Classification Act of 1949 (Public Law 429, 81st Cong. approved October 28, 1949), an executive

director and such an editorial and clerical staff as the Commission may determine to be necessary. Members of the Commission who represent any branch or agency of the Government shall serve as members of the Commission without additional compensation. All members of the Commission shall be reimbursed for transportation expenses incurred in attending meetings of the Commission, and all such members other than those who represent any branch or agency of the Government of the United States shall receive in lieu of subsistence en route to or from or at the place of such service, for each day actually spent in connection with the performance of their duties as members of such Commission, such sum, not to exceed \$25, as the Commission shall prescribe.

"(d) The Commission shall make plans, estimates, and recommendations for such historical works and collections of sources as it deems appropriate for printing or otherwise recording at the public expense. The Commission shall also cooperate with and encourage appropriate Federal, State, and local agencies and nongovernmental institutions, societies, and individuals in collecting and preserving and, when it deems such action to be desirable, in editing and publishing the papers of outstanding citizens of the United States and such other documents as may be important for an understanding and appreciation of the history of the United States. The Chairman of the Commission shall transmit to the Administrator from time to time, and at least once annually, such plans, estimates, and recommendations as have been approved by the Commission.

"FEDERAL RECORDS COUNCIL

"Sec. 504. The Administrator shall establish a Federal Records Council, and shall advise and consult with the Council with a view to obtaining its advice and assistance in carrying out the purposes of this title. The Council shall include representatives of the legislative, judicial, and executive branches of the Government in such number as the Administrator shall determine, but such Council shall include at least four representatives of the legislative branch, at least two representatives of the judicial branch, and at least six representatives of the executive branch. Members of the Council representing the legislative branch shall be designated, in equal number, by the President of the Senate and the Speaker of the House of Representatives, respectively. Members of the Council representing the judicial branch shall be designated by the Chief Justice of the United States. The Administrator is authorized to designate from persons named by the head of any executive agency concerned, not more than one representative from such agency to serve as a member of the Council. Members of the Council shall serve without compensation, but shall be reimbursed for all necessary expenses actually incurred in the performance of their duties as members of the Council. The Council shall elect its chairman, and shall meet at least once annually.

"RECORDS MANAGEMENT; THE ADMINISTRATOR

"Sec. 505. (a) The Administrator shall make provisions for the economical and efficient management of records of Federal agencies (1) by analyzing, developing, promoting, and coordinating standards, procedures, and techniques designed to improve the management of records, to insure the maintenance and security of records deemed appropriate for preservation, and to facilitate the segregation and disposal of records of temporary value, and (2) by promoting the efficient and economical utilization of space, equipment, and supplies needed for the purpose of creating, maintaining, storing, and servicing records.

"(b) The Administrator shall establish standards for the selective retention of records of continuing value, and assist Federal

agencies in applying such standards to records in their custody; and he shall notify the head of any Federal agency of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of such agency that shall come to his attention, and assist the head of such agency in initiating action through the Attorney General for the recovery of such records as shall have been unlawfully removed and for such other redress as may be provided by law.

"(c) The Administrator is authorized to inspect or survey personally or by deputy the records of any Federal agency, as well as to make surveys of records management and records disposal practices in such agencies, and shall be given the full cooperation of officials and employees of agencies in such inspections and surveys: *Provided*, That records, the use of which is restricted by or pursuant to law or for reasons of national security or the public interest, shall be inspected or surveyed in accordance with regulations promulgated by the Administrator, subject to the approval of the head of the custodial agency.

"(d) The Administrator is authorized to establish, maintain, and operate records centers for the storage, processing, and servicing of records for Federal agencies pending their deposit with the National Archives of the United States or their disposition in any other manner authorized by law; and to establish, maintain, and operate centralized microfilming services for Federal agencies.

"(e) Subject to applicable provisions of law, the Administrator shall promulgate regulations governing the transfer of records from the custody of one executive agency to that of another.

"(f) The Administrator may empower any Federal agency, upon the submission of evidence of need therefor, to retain records for a longer period than that specified in disposal schedules approved by Congress, and, in accordance with regulations promulgated by him, may withdraw disposal authorizations covering records listed in disposal schedules approved by Congress.

"RECORDS MANAGEMENT; AGENCY HEADS

"Sec. 506. (a) The head of each Federal agency shall cause to be made and preserved records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities.

"(b) The head of each Federal agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency. Such program shall, among other things, provide for (1) effective controls over the creation, maintenance, and use of records in the conduct of current business; (2) cooperation with the Administrator in applying standards, procedures, and techniques designed to improve the management of records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records of temporary value; and (3) compliance with the provisions of this title and the regulations issued thereunder.

"(c) Whenever the head of a Federal agency determines that substantial economies or increased operating efficiency can be effected thereby, he shall provide for the storage, processing, and servicing of records that are appropriate therefor in a records center maintained and operated by the Administrator or, when approved by the Administrator, in such a center maintained and operated by the head of such Federal agency.

"(d) Any official of the Government who is authorized to certify to facts on the basis



of records in his custody, is hereby authorized to certify to facts on the basis of records that have been transferred by him or his predecessors to the Administrator.

"(e) The head of each Federal agency shall establish such safeguards against the removal or loss of records as he shall determine to be necessary and as may be required by regulations of the Administrator. Such safeguards shall include making it known to all officials and employees of the agency (1) that no records in the custody of the agency are to be alienated or destroyed except in accordance with the provisions of the act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434), and (2) the penalties provided by law for the unlawful removal or destruction of records.

"(f) The head of each Federal agency shall notify the Administrator of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency of which he is the head that shall come to his attention, and with the assistance of the Administrator shall initiate action through the Attorney General for the recovery of records he knows or has reason to believe have been unlawfully removed from his agency, or from any other Federal agency whose records have been transferred to his legal custody.

"(g) Nothing in this title shall be construed as limiting the authority of the Comptroller General of the United States with respect to prescribing accounting systems, forms, and procedures, or lessening the responsibility of collecting and disbursing officers for rendition of their accounts for settlement by the General Accounting Office.

#### "ARCHIVAL ADMINISTRATION

"Sec. 507. (a) The Administrator, whenever it appears to him to be in the public interest, is hereby authorized—

"(1) to accept for deposit with the National Archives of the United States the records of any Federal agency or of the Congress of the United States that are determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government;

"(2) to direct and effect with the approval of the head of the originating agency (or if the existence of such agency shall have been terminated, then with the approval of his successor in function, if any) the transfer of records deposited (or approved for deposit) with the National Archives of the United States to public or educational institutions or associations: *Provided*, That the title to such records shall remain vested in the United States unless otherwise authorized by Congress; and

"(3) to direct and effect the transfer of materials from private sources authorized to be received by the Administrator by the provisions of subsection (e) of this section.

"(b) The Administrator shall be responsible for the custody, use, and withdrawal of records transferred to him: *Provided*, That whenever any records the use of which is subject to statutory limitations and restrictions are so transferred, permissive and restrictive statutory provisions with respect to the examination and use of such records applicable to the head of the agency from which the records were transferred or to employees of that agency shall thereafter likewise be applicable to the Administrator, the Archivist, and to the employees of the General Services Administration, respectively: *Provided further*, That whenever the head of any agency shall specify in writing restrictions that appear to him to be necessary or desirable in the public interest, on the use or examination of records being considered for transfer from his custody to the Administrator, the Administrator shall impose such restrictions on the records so transferred, and shall not remove or relax such restrictions without the concurrence in

writing of the head of the agency from which the material shall have been transferred (or if the existence of such agency shall have been terminated, then he shall not remove or release such restrictions without the concurrence of his successor in function, if any, of such agency head): *Provided, however*, That statutory and other restrictions referred to in the provisos of this subsection shall not remain in force or effect after the records have been in existence for 50 years unless the Administrator by order shall determine with respect to specific bodies of records that such restrictions shall remain in force and effect for a longer period: *And provided further*, That restrictions on the use or examination of records deposited with the National Archives of the United States heretofore imposed and now in force and effect under the terms of section 3 of the National Archives Act, approved June 19, 1934, shall continue in force and effect regardless of the expiration of the tenure of office of the official who imposed them but may be removed or relaxed by the Administrator with the concurrence in writing of the head of the agency from which material has been transferred (or if the existence of such agency shall have been terminated, then with the concurrence in writing of his successor in function, if any).

"(c) The Administrator shall make provisions for the preservation, arrangement, repair and rehabilitation, duplication and reproduction (including microcopy publications), description, and exhibition of records transferred to him as may be useful or appropriate, including the preparation and publication of inventories, indexes, catalogs, and other finding aids or guides facilitating their use; and, when approved by the National Historical Publications Commission, he may also publish such historical works and collections of sources as seem appropriate for printing or otherwise recording at the public expense.

"(d) The Administrator shall make such provisions and maintain such facilities as he deems necessary or desirable for servicing records in his custody that are not exempt from examination by statutory provisions or other restrictions.

"(e) The Administrator may accept for deposit—

"(1) the personal papers and other personal historical documentary materials of the present President of the United States, his successors, heads of executive departments, and such other officials of the Government as the President may designate, offered for deposit under restrictions respecting their use specified in writing by the prospective depositors: *Provided*, That restrictions so specified on such materials, or any portions thereof, accepted by the Administrator for such deposit shall have force and effect during the lifetime of the depositor or for a period not to exceed 25 years, whichever is longer, unless sooner terminated in writing by the depositor or his legal heirs: *And provided further*, That the Archivist determines that the materials accepted for such deposit will have continuing historical or other values;

"(2) motion-picture films, still pictures, and sound recordings from private sources that are appropriate for preservation by the Government as evidence of its organization, functions, policies, decisions, procedures, and transactions.

Title to materials so deposited under this subsection shall pass to and vest in the United States.

"(f) The Administrator is hereby authorized to make and preserve motion-picture films, still pictures, and sound recordings pertaining to and illustrative of the historical development of the United States Government and its activities, and to make provisions for preparing, editing, titling, scoring, processing, duplicating, reproducing, ex-

hibiting, and releasing for nonprofit educational purposes, motion-picture films, still pictures, and sound recordings in his custody.

#### "REPORTS

"Sec. 508. (a) The Administrator is hereby authorized whenever he deems it necessary to obtain reports from Federal agencies on their activities under the provisions of this title and the act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434).

"(b) The Administrator shall, whenever he finds that any provisions of this title have been or are being violated, inform in writing the head of the agency concerned of such violations and make recommendations regarding means of correcting them. Unless corrective measures satisfactory to the Administrator are inaugurated within a reasonable time, the Administrator shall submit a written report thereon to the President and the Congress.

#### "LEGAL STATUS OF REPRODUCTIONS

"Sec. 509. (a) Whenever any records that are required by statute to be retained indefinitely have been reproduced by photographic, microphotographic, or other processes, in accordance with standards established by the Administrator, the indefinite retention of such photographic, microphotographic, or other reproductions will be deemed to constitute compliance with the statutory requirement for the indefinite retention of such original records. Such reproductions, as well as reproductions made in compliance with regulations promulgated to carry out this title, shall have the same legal status as the originals thereof.

"(b) There shall be an official seal for the National Archives of the United States which shall be judicially noticed. When any copy or reproduction, furnished under the terms hereof, is authenticated by such official seal and certified by the Administrator, such copy or reproduction shall be admitted in evidence equally with the original from which it was made.

"(c) The Administrator may charge a fee not in excess of 10 percent above the costs or expenses for making or authenticating copies or reproductions of materials transferred to his custody. All such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund provided for in section 5 of the act approved July 9, 1941. There shall be no charge for making or authenticating copies or reproductions of such materials for official use by the United States Government: *Provided*, That reimbursement may be accepted to cover the cost of furnishing such copies or reproductions that could not otherwise be furnished.

#### "LIMITATION ON LIABILITIES

"Sec. 510. With respect to letters and other intellectual productions (exclusive of material copyrighted or patented) after they come into the custody or possession of the Administrator, neither the United States nor its agents shall be liable for any infringement of literary property rights or analogous rights arising thereafter out of use of such materials for display, inspection, research, reproduction, or other purposes.

#### "DEFINITIONS

"Sec. 511. When used in this title—

"(a) The term 'records' shall have the meaning given to such term by section 1 of the act entitled 'An act to provide for the disposal of certain records of the United States Government,' approved July 7, 1943 (57 Stat. 380, as amended; 44 U. S. C. 366);

"(b) The term 'record center' means an establishment maintained by the Administrator or by a Federal agency primarily for the storage, servicing, security, and processing of records that must be preserved for varying periods of time and need not be retained in office equipment and space;



"(c) The term 'servicing' means making available for use information in records and other materials in the custody of the Administrator—

"(1) by furnishing such records or other materials, or information from such records or other materials, or copies or reproductions thereof to agencies of the Government for official use and to the public; and

"(2) by making and furnishing authenticated or unauthenticated copies or reproductions of such records and other materials;

"(d) The term 'National Archives of the United States' means those official records that have been determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government, and have been accepted by the Administrator for deposit in his custody;

"(e) The term 'unauthenticated copies' means exact copies or reproductions of records or other materials that are not certified as such under seal and that need not be legally accepted as evidence; and

"(1) The term 'Archivist' means the Archivist of the United States."

SEC. 7. The Federal Property and Administrative Services Act of 1949 is further amended by—

(a) striking out the word "and" preceding "(2)" in subsection (d) of section 3 thereof; substituting a semicolon for the period at the end of said subsection; and adding at the end of such subsection the following: "and (3) records of the Federal Government.";

(b) striking out, in section 203 (a) thereof, the expression "and V", and inserting in lieu thereof the expression "V, and VI";

(c) striking out, in section 203 (b) thereof, the expression "and V", and inserting in lieu thereof the expression "V, and VI";

(d) striking out the word "and" at the end of paragraph (30) of section 602 (a); striking out the period at the end of paragraph (31) of section 602 (a) and inserting in lieu thereof a semicolon; and adding at the end of section 602 (a) the following new paragraphs:

"(32) the act entitled 'An act to establish a National Archives of the United States Government, and for other purposes,' approved June 19, 1934 (48 Stat. 1122-1124, as amended; 44 U. S. C. 300, 300a, 300c-k); and

"(33) section 4 of the act of February 3, 1905 (33 Stat. 687, as amended; 5 U. S. C. 77)."

(e) amending subsection 602 (b) and (c) thereof to read as follows:

"(b) There are hereby superseded—

"(1) the provisions of the first, third, and fifth paragraphs of section 1 of Executive Order No. 6166 of June 10, 1933, insofar as they relate to any function now administered by the Bureau of Federal Supply except functions with respect to standard contract forms; and

"(2) sections 2 and 4 of the act entitled 'An act to provide for the disposal of certain records of the United States Government,' approved July 7, 1943 (57 Stat. 381, as amended; 44 U. S. C. 367 and 369), to the extent that the provisions thereof are inconsistent with the provisions of title V of this act.

"(c) The authority conferred by this act shall be in addition and paramount to any authority conferred by any other law and shall not be subject to the provisions of any law inconsistent herewith, except that sections 205 (b) and 206 (c) of this act shall not be applicable to any Government corporation or agency which is subject to the Government Corporation Control Act (59 Stat. 597; 31 U. S. C. 841)."

(f) amending paragraphs (17), (18), and (19) of section 602 (d) thereof to read as follows:

"(17) the Central Intelligence Agency;

"(18) the Joint Committee on Printing, under the act entitled 'An act providing for

the public printing and binding and the distribution of public documents,' approved January 12, 1895 (28 Stat. 601), as amended, or any other act; or

"(19) for such period of time as the President may specify, any other authority of any executive agency which the President determines within 1 year after the effective date of this act should, in the public interest, stand unimpaired by this act."

(g) striking out the period at the end of section 603 (a) thereof and inserting in lieu thereof a comma and the following: "including payment in advance, when authorized by the Administrator, for library memberships in societies whose publications are available to members only, or to members at a price lower than that charged to the general public."

SEC. 8. (a) Subsection 3 (b) of the Federal Property and Administrative Services Act of 1949 is amended to read as follows:

"(b) The term 'Federal agency' means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction)."

(b) Section 201 (b) of the Federal Property and Administrative Services Act of 1949 is amended by striking out the expression "or the Senate, or the House of Representatives,"

(c) Section 602 of the Federal Property and Administrative Services Act of 1949 is amended by redesignating subsection (e) thereof as subsection (f) and inserting, immediately after subsection (d) thereof, the following new subsection:

"(e) No provision of this act as originally enacted or as subsequently amended shall apply to the Senate or the House of Representatives (including the Architect of the Capitol and any building, activity, or function under his direction), but any of the services and facilities authorized by this act to be rendered or furnished shall, as far as practicable, be made available to the Senate, the House of Representatives, or the Architect of the Capitol, upon their request. If payment would be required for the rendition or furnishing of a similar service or facility to an executive agency, payment therefor shall be made by the recipient thereof, upon presentation of proper vouchers, in advance or by reimbursement (as may be agreed upon by the Administrator and the officer or body making such request). Such payment may be credited to the applicable appropriation of the executive agency receiving such payment. Notwithstanding the provisions of this subsection, subsection 210 (b) and subsection 210 (c) of this act shall not apply to any building, project or grounds, or to any activity, heretofore placed under the Architect of the Capitol by any provision of law."

SEC. 9. The Federal Property and Administrative Services Act of 1949, section 205 (h), is hereby amended by striking out the last word of the sentence "title" and inserting in lieu thereof the word "act."

SEC. 10. (a) Whenever any contract made on behalf of the Government by the head of any Federal agency, or by officers authorized by him so to do, includes a provision for liquidated damages for delay, the Comptroller General upon recommendation of such head is authorized and empowered to remit the whole or any part of such damages as in his discretion may be just and equitable.

(b) Section 306 of the Federal Property and Administrative Services Act of 1949 is hereby repealed, and this section shall be effective as of July 1, 1949.

SEC. 11. All laws or parts of laws in conflict with the provisions of this act or with any amendment made thereby are, to the extent of such conflict, hereby repealed.

Mr. McCLELLAN. Mr. President, in connection with Senate bill 3959, Calendar No. 2140, I ask unanimous consent to have printed in the RECORD, following the action on the bill, a letter from the Acting Comptroller General. I may say that the bill is approved by him.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL  
OF THE UNITED STATES,  
Washington, July 25, 1950.

Hon. JOHN L. McCLELLAN,  
Chairman, Committee on Expenditures  
in the Executive Departments,  
United States Senate.

MY DEAR MR. CHAIRMAN: In accordance with informal request of yesterday from a member of the staff of your committee, I am pleased to give you the views of the General Accounting Office on S. 3959, Eighty-first Congress, entitled "A bill to amend the Federal Property and Administrative Services Act of 1949, and for other purposes."

The bill is a redraft of S. 3842 which was the subject of my report to you of July 18, 1950. That report contained a section-by-section analysis of S. 3842 and the recommendations of the General Accounting Office thereon. The recommended changes are incorporated in S. 3959, along with certain others of a technical nature. Accordingly, the bill S. 3959 has the approval of the General Accounting Office.

It is understood, also, that your committee desires comment of the General Accounting Office with respect to the desirability of the proposed section 6 of S. 3959, which would be a Federal Records Act of 1950. Although the General Accounting Office is not the agency primarily concerned, it may be said that this section is designed to bring about improved management of Government records. It would impose on the Administrator of General Services the principal responsibility to accomplish this purpose, with the necessary measure of authority to carry out his responsibility in proper balance with the duties and requirements of all the agencies. There would be a central agency, working in cooperation with all others, to lead and coordinate a program of more efficient and effective utilization, maintenance, and disposal of records.

The heads of the Federal agencies would have definite responsibilities in the program, and provision is made for full consideration of their jurisdiction and needs. They would be required to observe standards and principles laid down by the Administrator of General Services, within his authority, and any violation of the act would be reported by the Administrator to the Congress and the President. Adequate safeguards are provided for the performance by the General Accounting Office of its assigned functions.

The Comptroller General and I long have recognized the seriousness of the problems arising from the ever-growing volume of Government records. It is one in the solution of which all of us—the Congress and the President, the departments and agencies, and the taxpayers—have a large stake. A carefully planned, concerted attack on the problem by all concerned is essential. The proposed legislation appears well suited to the undertaking. It would establish a central responsible agency, and call for active participation by all the agencies. It would provide machinery to guide and assist those agencies in the betterment of their own records practices and procedures. Just as is the case in the accounting field, where the Comptroller General, the Secretary of the Treasury, and the Director, Bureau of the Budget—the heads of the three central fiscal agencies—have joined with all the agencies in a cooperative program to improve Federal accounting and financial reporting, a comparable



program for Federal records, under the leadership of the Administrator of General Services, should be a significant step toward greater economy and efficiency in Government.

I trust that this information will serve the purpose of your committee.

Sincerely yours,  
FRANK L. YATES,  
*Acting Comptroller General of the United States.*

#### EXCHANGE OF LANDS AT MANHATTAN BEACH, N. Y.

The bill (H. R. 5003) to provide for the exchange between the United States and the State of New York of certain lands and interests in lands at Manhattan Beach, Kings County, N. Y., was considered, ordered to a third reading, read the third time, and passed.

Mr. IVES. Mr. President, at this point, I ask unanimous consent to have printed in the RECORD, as a part of my remarks, a statement which I have prepared, in support of the bill which has just been passed.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

#### STATEMENT BY SENATOR IVES

The purpose of this bill is to provide authority for an equitable exchange of certain lands at Manhattan Beach, N. Y., between the Federal Government and the State of New York.

A dispute has arisen between the Federal Government and the State as to the ownership of part of the land in question. The National Government has purchased from private owners some 50 acres of filled-in land extending out into certain inland waters to which the State claims title.

In return for the State's relinquishing its legal claim to these lands, on part of which the Federal Government has built a permanent maritime training station, the State receives under this bill some surplus lands totaling less than the 50 acres the claim to which the State has relinquished.

The Attorney General of the United States and the attorney general of the State of New York had endeavored to reach an amicable settlement of this dispute by arranging for the identical exchange in lands which is herein authorized. Technicalities developed, however, and it was decided that the United States Attorney General required this specific enabling legislation before he could go through with his part of the agreement. It is to enable the State and Federal Governments to consummate this previously agreed upon arrangement that this bill was introduced.

The land to be received by the State of New York is in the midst of a crowded low-income housing area. Existing recreation facilities are severely overloaded and the lack of adequate playground space contributes to the excessive street-accident and juvenile-delinquency rate in the area.

Plans have been completed for utilization of a considerable part of the land to be received by the State as a developed park area. Since the State plans, at considerable cost, to put this land—presently unused by the Federal Government and surplus—to constructive use, the exchange seems in the best interests of both governments.

Mr. LEHMAN. Mr. President, I make a similar request, namely, to have inserted at this point in the RECORD a statement in regard to the bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

#### STATEMENT BY SENATOR LEHMAN

This bill is similar to Senate Joint Resolution 177 which was jointly introduced by the two Senators from New York. This legislation attempts to settle a conflict of property interests between the Federal Government and the State of New York in an equitable manner, and in the interests of both the people of New York and of the Nation.

In my opinion, the single most important result of the passage of this bill will be to permit the city of New York to create a water-front park for the recreational and educational benefit of the many hundreds of thousands of residents of that area. Anyone who has visited that section of New York City knows the disturbing amount of congestion in the two nearest swimming and recreation centers along the ocean front—Coney Island and Brighton Beach. When this bill is passed, New York City will be able to develop this water-front park at Manhattan Beach and thus directly contribute to the health and welfare of the citizens of New York.

Therefore, I am very happy that this bill is now being considered by the Senate and I urge its speedy passage.

#### TRANSFER OF LAND AND IMPROVEMENTS TO NEW MEXICO STATE FAIR

The bill (H. R. 6247) authorizing transfer of land and improvements thereon by the Secretary of the Interior to New Mexico State Fair, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MORSE. Mr. President, may we have an explanation?

Mr. ANDERSON. Mr. President, this bill relates to land originally owned by the New Mexico State Fair. In 1935 or 1936 the United States Government, through its Indian Service, asked for the privilege of erecting at the State fair a building in which there might be displays of Indian arts. The State fair granted the land to the Federal Government, which constructed the building. However, the Federal Government now finds that it is not able to maintain the building.

The State fair has said that if the land is transferred back to it, it will maintain the building and will permit the Indian Service to use any or all of the building that it may desire to use at any time for the purpose of fair exhibits, during the State fair.

Therefore, we feel that the bill is a just bill.

Mr. MORSE. I desire to ask one question. The Senator mentioned it, but I want to emphasize it. The bill provides that the Indian Service, and, through it, the Federal Government, shall continue to have the use of this building for its purposes, when, if, and as needed; is that correct?

Mr. ANDERSON. "When or if" needed.

Mr. MORSE. I think that is a reasonable position. I have no objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 6247) authorizing transfer of land and improvements thereon by the Secretary of the Interior to New Mexico State

Fair was considered, ordered to a third reading, read the third time, and passed.

#### ADDITIONAL USES OF CERTAIN LANDS BY BUFFALO, WYO.

The bill (H. R. 7977) to authorize the city of Buffalo, Wyo., to make additional uses of certain lands, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MORSE. May we have an explanation?

The PRESIDING OFFICER. An explanation is desired.

Mr. O'MAHONEY. Mr. President, as long ago as the act of February 25, 1907, which is certainly several years ago, the Federal Government transferred for park purposes to the city of Buffalo, Wyo., certain lands within the city. The bill is to permit the city to use the lands for hospital or other specific purposes. As a matter of fact, the conveyance was without limitation of any kind, and I have no doubt that lands could be used for this purpose anyway.

Mr. MORSE. Mr. President, the reason I asked for an explanation was that I wanted the RECORD to show exactly what the Senator from Wyoming has just pointed out, that under the original grant there did not seem to be any limitation at all on the use. But even if there had been a limitation on the use, I desired the record to be clear. I am not going to object to this particular transfer, because it originally was made under the 1907 act, the spirit and intent of which clearly permit the use of this particular land for public purposes; and this certainly is a public purpose, within the spirit and intent of the original act.

Let me make clear for the record, though, that if an attempt were now made to transfer in the first instance Federal property for such purposes, it would be my position that the city of Buffalo would have to pay 50 percent of the appraised market value of the property.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 7977) to authorize the city of Buffalo, Wyo., to make additional uses of certain lands, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

#### PAYMENTS TO STATES UNDER OIL LAND LEASING ACT OF 1920

The bill (H. R. 6292) to provide that payments to States under the Oil Land Leasing Act of 1920 shall be made biennially was considered, ordered to a third reading, read the third time, and passed.

Mr. O'MAHONEY subsequently said: Mr. President, we acted upon Calendar No. 2144, House bill 6292 a few moments ago, and passed the bill. After it had been passed I noted the heading on the report, which is as follows:

Providing that payments to States under the Oil Land Leasing Act of 1920 shall be made biennially.

## AMENDING THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

JULY 26, 1950.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

Mr. DAWSON, from the Committee on Expenditures in the Executive  
Departments, submitted the following

### REPORT

[To accompany H. R. 9129]

The Committee on Expenditures in the Executive Departments, to whom was referred the bill (H. R. 9129) to amend the Federal Property and Administrative Services Act of 1949, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

Page 1, line 8, after the word "Printer", insert a comma.

Page 1, line 9, after the word "issue", insert a comma.

Page 7, line 4, strike "transfer" and insert "transferred".

Page 8, line 8, after the word "security" strike the period and insert:

: *Provided*, That such determination shall show that the total cost (rentals, repairs, alterations, and improvements) to the Government for the expected life of the lease shall be less than the cost of alternative space which needs no such repairs, alterations, or improvements.

Page 14, line 18, after the word "appointed", insert "by the".

Page 15, line 25, strike "Administrator" and insert "Commission".

Page 16, line 7, after the word "societies", insert a comma.

Page 16, line 13, after the word "time", insert a comma.

Page 16, line 25, after the word "branch", insert a comma.

Page 17, line 4, after the word "Representatives", strike out the period and insert " , respectively."

Page 26, line 12, the first word "Title", should be extended to the full margin.

Page 30, line 2, strike the apostrophe after the word "Government".

Page 30, line 16, after the word "Government", strike the quotation and semicolon and insert " . ; "



Page 31, line 7, after "1124", strike the semicolon and insert a comma.

Page 31, line 8, after "300c-k", strike the semicolon and insert "),".

Page 32, line 11, strike "or".

Page 34, line 12, after the word "Administrative", insert "Services".

Page 35, line 2, after "1949", insert a comma.

Page 35, line 2, after the word "repealed", insert a comma.

#### GENERAL STATEMENT

The primary objective of H. R. 9129 is to round out existing authority of the General Services Administration in the field of Government records management. It accords with specific recommendations of the Commission on Organization of the Executive Branch of the Government. The proposed legislation is designed to cut down the cost and quantity of Government paper work.

This measure also incorporates certain clarifying and technical amendments relating to other statutory duties of the General Services Administration which are considered necessary for more efficient performance of those duties.

The urgent need for a comprehensive and effective program for records management is made plain by the findings and recommendations of the Commission on Organization and the report of its Task Force on Records Management.

Today in the Federal Government the handling of paper work in the conduct of public business is enormous, complex and costly. The Bureau of the Budget reports that in the District of Columbia alone the Federal Government owns or leases in excess of 30,000,000 square feet of space; about 5,000,000 square feet, or 16½ percent of the total, are taken up by files. When it is considered that nine-tenths of the Federal employees are in field assignments, in some 40,000 offices throughout the country, the magnitude of the files problem is readily apparent. In the large cities of our Nation, where many Federal offices are located, the records management problems are almost as acute as those encountered by the Federal Government in the Washington area.

Each day sees large additions of material to the present tremendous accumulation of Government files.

Seven to ten carloads of paper stock arrive daily at the Government Printing Office. In large part, this paper is prepared for the requirements of the various Governmental agencies. Federal agencies use an estimated 100,000 forms; 80 to 95 percent are specific agency forms; the remaining 5 to 20 percent are standard forms. Clearly this field offers a vast opportunity for standardization.

To add to the output of forms of the Government Printing Office, 800,000 Government typewriters daily produce myriads of letters; the mimeographs, multigraphs, and other machines make millions of copies of Government documents, forms, contracts, and other papers.

Clippings from newspapers, magazines, and other periodicals add to the great mass of material which goes into the files.

The Bureau of the Budget cites this striking hypothetical example from the Veterans' Administration. That agency has 20,000,000 individual file cases or folders. If one sheet of paper were to be added

to each folder, 40,000 reams of paper would be used, or about 80,000 inches (6,600 feet). In other words, more than a mile of file space would be required merely to add one sheet of paper to each veteran's folder.

A number of agencies besides the Veterans' Administration have individual cases that run into the millions.

After World War II, the President in recognition of the need to establish a Government-wide records program, issued Executive Order No. 9784 on September 25, 1946. This Executive order required that the head of each agency establish and maintain an active and continuing program for the successful management and disposition of its records. In 1948, the Commission on Organization Task Force on Records Management, in studying and surveying the records management problem of the entire Government, urged in substance the following recommendations: (1) creation of a central staff and service agency with responsibility for leadership in the field of records management; (2) enactment of a new Federal records management law to provide for the more successful preservation, management, and disposal of Government records; and (3) establishment of an adequate records management program in each department and agency.

The Commission on Organization in its report to the Congress in 1949, approved the views of its task force. Thereafter, Congress enacted the Federal Property and Administrative Services Act, which established the General Services Administration and transferred to it, among other things, the National Archives Establishment and authorized the Administrator to make surveys of Government records and records management activities and to obtain reports thereon.

This bill fully implements the recommendations of the Commission on Organization of the Executive Branch of the Government by defining the responsibilities of the Administrator in the field of records management and by specifically authorizing him to establish and operate records centers. It also requires the head of each Federal agency to establish and maintain an active, continuing program for the economical and efficient management of the agency's records and to cause to be made and kept adequate records of the functioning and transactions of the agency—a requirement that heretofore, except in specific cases, has been lacking in the Federal statutes.

The Administrator, under the proposed legislation, could, by the issuance of regulations, guide all Federal agencies in inaugurating or extending existing programs for reducing the cost of maintaining the tremendous quantity of records now in existence and being created by the Federal Government. This problem of the quantity of records requires action on at least two fronts: (1) the prompt and orderly disposal of records of temporary usefulness and (2) the transfer of records that need not be retained in office space and equipment to less costly records-space and storage equipment.

The first three sections of the proposed legislation deal with amendments to section 109 of the Federal Property and Administrative Services Act of 1949 relating to the General Supply Fund. The amendments, among other things, provide for the elimination of the surcharge, as recommended by the Commission on Organization of the Executive Branch of the Government with respect to supply activities. There is also added a new subsection (g) which authorizes the Administrator to charge vendors and producers of commodities

testing fees which, in turn, would result in the establishment of a qualified products list.

Section 4 authorizes the Administrator to make donations of surplus property for public health purposes. Under Public Law 152, Eighty-first Congress, the Administrator is authorized to make donations of such surplus property to educational institutions. In the case of real property, the Administrator now can make donations for both educational and health purposes. The effect of the provision in section 4 is to place education and public health on a par with respect to the donations of surplus personal property.

Section 5 of the proposed legislation incorporates into the Federal Property and Administrative Services Act of 1949 certain substantive provisions of law which in the past have been included in annual appropriation acts relating to the maintenance, operation, and protection of public buildings, property or grounds situated in or outside the District of Columbia, and including the construction, repair, preservation, furnishing, and equipment thereof. For some time the Congress and the Bureau of the Budget have advocated a program for all agencies to incorporate into substantive law provisions which have been carried in annual appropriation acts.

Section 5 also includes a provision entitled "Motor Vehicle Identification." The purpose of the provision is to extend to the field service of Federal agencies the requirement for identification of motor vehicles acquired and used for official purposes. Under present law (sec. 4 of the act of February 3, 1905, 33 Stat. 687, as amended by the act of August 2, 1946, 60 Stat. 811; 5 U. S. C. 77) identification is required only for those vehicles acquired and used for official purposes in the departmental service in the District of Columbia. Various agencies and departments now require identification by administrative regulations, but such regulations are neither uniform nor complete in application. This section would authorize the Administrator to issue regulations requiring identification of all motor vehicles acquired and used for official purposes within the United States and its Territories and possessions by any Federal agency. Exemption from the requirements of this section could be provided for in such regulations when conspicuous identification of a vehicle would interfere with the purposes for which it is used, such as in the case of the Central Intelligence Agency, the Federal Bureau of Investigation, Treasury enforcement officers, and Immigration border control.

Section 6 of the proposed legislation amends the Federal Property and Administrative Services Act of 1949 by inserting a new title, namely, title V, Federal Records. The provisions of title 5 with respect to records matters fall into four general categories, namely: (1) those in the nature of perfecting amendments required to insert the new title in the Federal Property and Administrative Services Act of 1949; (2) those designed to provide a permanent statutory charter for activities now authorized by language appearing in annual appropriation acts; (3) those necessary to retain desirable provisions of existing law in their original, or amended form; and (4) those providing new authority with respect to records management and archival administration.

The proposed legislation provides for continuing the National Historical Publications Commission with a different and enlarged



membership and with some extension of duties. Provision is also made for a small staff to be appointed by the Commission.

It provides for the establishment of a Federal Records Council as an advisory body to the Administrator, its membership to be drawn from the legislative, judicial, and executive branches of the Government.

The remainder of section 6 continues in effect desirable provisions of existing law with respect to archival administration; authorizes the Administrator to exercise staff and coordinating functions with respect to records management, including the establishment of records centers; and requires Federal agencies to make proper provision with respect to the creation, maintenance, and disposal of records.

While the essential recommendations of the Commission on Organization of the Executive Branch of the Government with respect to the performance of staff functions and the coordination of records management programs in Federal agencies by the Administrator are implemented by the provisions of the bill, the individual agency is not divested of functions in which it has the primary interest and for which it should have primary responsibility. It is well to emphasize that records come into existence, or should do so, not in order to fill filing cabinets or occupy floor space, or even to satisfy the archival interests of this and future generations, but essentially to serve the administrative and executive purposes of the Government organization which creates them. There is danger that this simple, self-evident fact may be lost for lack of emphasis. The measure of effective records management should be its usefulness to the executives responsible for accomplishing the substantive purposes of the Government organization.

The value of records centers in reducing the cost of maintaining records has been amply demonstrated by the experience of the Department of Defense and several business corporations. Records centers utilize space and equipment less costly than that required in office operations and, in addition, they provide a control that facilitates the disposal of material no longer needed. It is estimated conservatively that of the 20,000,000 cubic feet of records in existence, at least 2,000,000 cubic feet not now in records centers should be transferred to such facilities. Your committee is of the opinion that the authority given the Administrator to establish, maintain, and operate records centers will result in an annual saving of several million dollars.

The Citizens Committee for the Hoover Report has given strong endorsement to this legislation. In communications to your committee the Citizens Committee has stated:

The bill now being presented to the Congress by your committee, if acted upon favorably by the Congress, will represent a 100-percent adoption of the letter as well as the spirit of the Hoover Commission's recommendations in the important field of Federal Records Management.

Mr. Emmett J. Leahy, who was the Director of the Hoover Commission's Task Force on Records Management, has added his unqualified endorsement of this measure.

These letters of approval, together with communications from the Bureau of the Budget and the Comptroller General of the United States urging favorable consideration of H. R. 9129, are carried in this report.



## CONCLUSIONS

Your committee has given careful study to the proposed legislation and is unanimous in urging its enactment. The Citizens' Committee for the Hoover Report, experts in records management, and the Bureau of the Budget, the Comptroller General of the United States, and the General Services Administrator are all in full accord as to the need and importance of this measure.

H. R. 9129 will result in a more orderly and efficient administration of the records of Federal agencies and will facilitate the performance by the Administrator of his functions with respect to supply and building management activities. It is evident that substantial economies will be effected by the enactment of H. R. 9129.

## SECTION-BY-SECTION ANALYSIS OF H. R. 9129, JULY 17, 1950

Section 1 modifies section 109 (a) of the Federal Property and Administrative Services Act of 1949, by enlarging the availability of the general supply fund to provide for the purchase from or through the Public Printer for warehouse issue of standard forms, blank-book work, standard specifications, and other printed materials not available through the Superintendent of Documents and generally used by a number of Federal agencies.

Section 2 (a) modifies section 109 (a) by substantially eliminating the surcharge on general supply fund transactions and provides for charging requisitioning agencies only with the purchase price, transportation to the first storage point of supplies and services, and direct labor costs for the repair, rehabilitation, and conversion of personal property.

Section 2 (b) constitutes a modification of section 109 (b) and fixes the applicable standard for pricing general supply fund commodities based upon the purchase price, initial freight expense, inventory losses, personal services employed directly in repair, rehabilitation, and conversion, and amortization and repair of equipment leased or rented to executive agencies.

Section 2 (c): The amendments provided for under sections 2 (a) and 2 (b) above will be effective only when the Administrator determines that adequate appropriations are available to carry out the purpose of such amendments.

Section 3 (a): Section 109 (b) is modified to provide for the reimbursement to the General Services Administration, where an advance of funds is not made, out of funds of the requisitioning agency in accordance with accounting procedures approved by the Comptroller General rather than, as is provided by existing law, on vouchers prepared by the requisitioning agency on the basis of itemized invoices submitted by the Administrator and receiving reports evidencing the delivery to the requisitioning agency of such supplies or services. The section is further modified so that where the requisitioning agency shall not have made payment within 45 days after the date of billing by the Administrator or the date on which an actual liability for supplies or services is incurred by the Administrator, whichever is the later, reimbursement may be obtained by him by the issuance of transfer and counter-warrants or other lawful transfer documents supported by itemized invoices. The present law does not include

reference to the date on which an actual liability for supplies or services is incurred by the Administrator, or to other lawful transfer documents.

Section 3 (b) adds to the Federal Property and Administrative Services Act of 1949 this subsection (g) authorizing the establishment of a testing charge to be paid by prospective vendors to cover all costs in connection with the testing of such commodities. Such testing fees would be covered into the General Supply Fund and expended directly therefrom without appropriation. The committee expects these tests to be predicated mainly on performance standards generally accepted by private enterprise so that small business will have a greater opportunity to sell their products to the Government.

Section 4 modifies section 203 (j) of the Federal Property and Administrative Services Act of 1949 by providing that the Administrator is authorized in his discretion to donate without cost surplus equipment, materials, books, or other supplies for public health purposes, including research, in addition to educational purposes as presently provided for.

Section 5 provides for the redesignation of section 210 of the act as section 212 and the insertion immediately after section 209 of new sections numbered 210 and 211.

Section 210 (a) is intended primarily to incorporate into the Federal Property and Administrative Services Act of 1949 certain substantive provisions of law which for many years past have been included in annual appropriation acts relating to the maintenance, operation, and protection of public buildings, property, or grounds situated in or outside the District of Columbia, including the construction, repair, preservation, furnishing, and equipment thereof. It is part of an over-all program conducted by the General Accounting Office and the Bureau of the Budget at the instance of the House Appropriations Committee to remove from appropriation acts certain limitations and other substantive legislation.

Specifically, subsection 1 of section 210 (a) authorizes the purchase, repair, and cleaning of uniforms for civilian employees of the General Services Administration who are required by law or regulations to wear uniform clothing. Substantially similar authority has been included in the Independent Offices Appropriation Act each year since 1928.

Subsection 2 authorizes the furnishing of arms and ammunition for the protection force maintained by General Services Administration. This authority has also been contained in the Independent Offices Appropriation Acts for many years.

Subsection 3 authorizes the payment of ground rent for buildings owned by the United States or occupied by Federal agencies and permits the payment of such rent in advance when required by law or when the Administrator determines such action to be in the public interest. Somewhat similar authority has been included in the past in the Independent Offices Appropriation Acts with respect to the payment of ground rent in advance at specific locations. One of these involved the payment of ground rent to an Indian tribe where a treaty with the United States required the payment of such rent in advance. The broadened authority contained in subsection 3 will enable the Administrator to take advantage of any offered economies which may be effected through the payment of rent in advance rather than at the end of each rental period.

Subsection 4 relates to the payment of per diem rates to personnel employed in connection with the functions of operation, maintenance and protection of property. Such rates may not exceed rates currently paid by private industry for similar services in the place where such services are performed. As in the preceding subsections, substantially similar authority has been included in the annual Independent Offices Appropriation Acts. This subsection is intended primarily to meet emergency situations where it is necessary to have personnel for brief periods of time to repair damage, or to perform other work, where the exigencies of the situation will not permit resort to the Civil Service Commission registers or to the performance of the work by contract.

Subsection 5 exempts from the 15 percent rental provision and the 25 percent alteration, repair and improvement limitation imposed by section 322 of the act of June 30, 1932, commonly known as the Economy Act, leases entered into by or transferred to the General Services Administration for the housing of any Federal agency which, on June 30, 1950, was specifically exempted by law from the requirements of such section. An example of such leases are those entered into by the Veterans' Administration which, under a specific act, were prior to July 1, 1950, exempted from such requirements. Under Reorganization Plan 18, some of these leases have been transferred to General Services Administration. The additional authority contained in subsection 5 is necessary, therefore to preserve the status quo and to permit operations under the leases which, in a number of instances are more advantageous to the Government than would be new leases made subject to the requirements of the Economy Act.

Subsection 6 authorizes the General Services Administration to obtain payment, through advances or otherwise, for services, space, quarters, maintenance, repair, or other facilities furnished on a reimbursable basis to any other Federal agency or any mixed-ownership corporation or the District of Columbia and to credit such payments to the applicable appropriations of the General Services Administration. As in the preceding subsections, substantially the same authority has been contained in Independent Offices Appropriation acts for prior years. Subsection 6 broadens the authority to include any wholly owned or mixed-ownership corporation. Frequently, when requested to perform such services or to render other assistance provided for in the subsection, General Services Administration does not have funds available for the purpose but the requesting agency does. Therefore, the authority is necessary in order that the General Services Administration may perform the function. Thereafter, if the assistance requested is of a continuing nature, the General Services Administration requests that the necessary funds be included in its budget.

In subsection 7 provision is made for the maintenance, repair, and the payment of any obligations arising in connection with the pneumatic tube system connecting buildings owned by the United States or occupied by Federal agencies in New York City. As in the preceding subsections, substantially similar authority has been included in the annual appropriation acts for many years. Under the franchises pursuant to which the system was installed and under which it is maintained, operated and extended there are certain obligations on the part of the Government. Since this system is essential to governmental activities in New York City and will continue to be necessary,



it is desirable that its operation, maintenance, and extension pursuant to the franchises be sanctioned by permanent law.

Subsection 8 is new insofar as General Services Administration is concerned but is essential to enable the Administration to utilize to the fullest extent leased premises. It would exempt from the 25-percent limitation of section 322 of the act of June 30, 1932, commonly known as the Economy Act, as amended, the repair, alteration, and improvement of rented premises where the Administrator determines that the execution of such work, without reference to such limitation, is advantageous to the Government in terms of economy, efficiency, or national security. It is believed that the section will promote economies and security and that it is surrounded by sufficient safeguards to prevent its abuse.

Subsection 9 authorizes the payment of sums in lieu of taxes on real property declared surplus by Government corporations pursuant to the Surplus Property Act of 1944, where legal title to such property remains in any such Government corporation. As in the case of many of the preceding subsections, substantially similar authority exists in appropriation acts relating to the former War Assets Administration, the functions of which are now vested in the General Services Administration. When real property owned by a Government corporation, such as RFC, is declared surplus legal title remains in the corporation unless it is conveyed to the United States or sold to outside interests. It has been the practice in the past for Government corporations to pay sums in lieu of taxes on real property, title to which rests in them as distinguished from the United States. It is believed advisable to continue this authority insofar as the inventory of property declared surplus under the provisions of the Surplus Property Act of 1944 is concerned at least until such time as title to the property vests in the United States. It should be pointed out that this authority applies only to real property declared surplus under the Surplus Property Act of 1944, which with certain inapplicable provisions, was repealed effective as of June 30, 1949. This means that the authority would not extend to any properties declared excess or surplus on or after July 1, 1949.

Subsection 10 is another reenactment of substantive law now appearing in appropriation acts. It authorizes the Administrator to furnish utilities and other services to persons, firms, or corporations occupying or utilizing plants or portions of plants which constitute a part of the national industrial reserve pursuant to the National Industrial Reserve Act of 1948 or other surplus real property. These plants usually are very large and subject to the national security clause. They usually contain such features as a central heating plant and sometimes have their own facilities for furnishing electric power. They also sometimes have their own sewage and water facilities. In a number of instances they are leased on the basis of multiple occupancy. For this reason, it is frequently impracticable to have the individual tenants install their own utility services. It is therefore often to the advantage of the Government, from the standpoint of increased revenue or from the benefits to be secured in the way of maintenance and protection, to have the Government furnish the utility service on a reimbursable basis. The National Industrial Reserve Act of 1948 apparently contemplates that the program authorized thereby will be as self-sustaining as possible, thereby limiting



the appropriations which the Congress is required to make. Substantially similar authority to that contained in (A) is presently embraced in annual appropriation acts as is the proviso of (B) permitting the crediting of the amounts received in payment for such utilities to the applicable appropriation of the General Services Administration. This subsection will not permit the Government to compete with private enterprise in communication or other utility services because the authority may not be exercised where the services are actually being provided by private suppliers.

Subsection 11 permits the Secretary of Defense to direct the use of proceeds received by the United States from insurance against damage to properties in the National Industrial Reserve, for the repair or restoration of the damaged properties. Frequently plants in the National Industrial Reserve are leased with the requirement that certain types of insurance be maintained by the lessee for the benefit of the United States. As previously stated it is believed that the Congress in enacting the National Industrial Reserve Act of 1948 intended that the program authorized thereby should be as self-sustaining as possible. However, the Comptroller General has ruled otherwise with respect to insurance proceeds and at the present time proceeds are being deposited into the Treasury as miscellaneous receipts and are, therefore, unavailable for the repair of damage. It is believed to be to the advantage of the Government to have the proceeds of such insurance available for restoration of damage.

Subsection 12 is not new and may be found in a more limited form in other permanent legislation. It is believed advisable to broaden and more clearly define the authority of the Administrator to acquire land or interest therein when authorized by subsequent acts of the Congress. It will help in obtaining more effective utilization of plants in the National Industrial Reserve and other surplus industrial facilities.

Section 210 (b) may be considered as an extension of the provisions of the Economy Act of 1932. It authorizes the Administrator, at the request of any Federal agency, or any mixed-ownership corporation, or the District of Columbia, to operate, maintain, and protect any building owned by the United States, or by a wholly owned or mixed-ownership Government corporation and occupied by the agency or instrumentality making such request. An example of the need for a provision such as this is the recent request that the General Services Administration take over the operation, maintenance, and protection of the building or buildings now housing the United States District Court for the District of Columbia. At the present time, not less than four instrumentalities of the Government perform these functions, with the result that considerable confusion exists. This provision clarifies the authority of General Services Administration under the Economy Act and likewise includes wholly owned and mixed-ownership corporations and the District of Columbia, which are not covered by the Economy Act.

Section 210 (c) may also be considered as an extension of the Economy Act as well as the provisions of the act of June 25, 1910 (40 U. S. C. 265), as amended. It also applies to wholly owned and

mixed-ownership corporations and to the District of Columbia, which the Economy Act and the act of June 25, 1910, do not. In the past, there have been instances where the Congress has appropriated funds for the acquisition of land and the construction of buildings to agencies other than the General Services Administration, with the proviso that all of such appropriated funds necessary for the acquisition of sites and the construction of buildings shall be transferred to the General Services Administration. These provisions have been included in appropriation acts. The enactment of section 210 (c) as permanent legislation will eliminate the necessity for inclusion of such provisions in appropriation acts.

Section 210 (d) is necessary to remedy a condition which exists in Reorganization Plan No. 18 of 1950. Section 2 of that plan transfers all functions with respect to the operation, maintenance, and custody of office buildings owned by the Government and of office buildings or parts thereof acquired by lease, with certain specified exceptions, from the respective agencies in which then vested, to the Administrator of General Services. The provisions of the plan took effect on July 1, 1950. Under one interpretation of section 2 of the plan, the transfer of functions is not continuing, but is a so-called one-shot proposition. Section 210 (d) gives to the Director of the Bureau of the Budget, whenever he determines such action to be in the interest of economy and efficiency, authority to transfer to the Administrator all functions vested in any other Federal agency with respect to the operation, maintenance, and custody of any office building owned by the United States, or any wholly owned Government corporation or any office building or part thereof occupied by any Federal agency under any lease, with certain specified exceptions. The enactment of this legislation granting continuing authority to the Director of the Bureau of the Budget will permit flexibility and meet future changing conditions.

Section 211: This section authorizes the Administrator to issue regulations requiring identification of all motor vehicles, acquired and used for official purposes within the United States, its Territories and possessions, by any Federal agency or the District of Columbia. This provision provides a uniform system of identification in lieu of the various administrative systems now in effect in connection with identification of Government-owned motor vehicles.

The provisions of section 6 fall within four general categories, namely, (1) those in the nature of perfecting amendments required to insert in Public Law 152, Eighty-first Congress, the new title V—Federal Records, (2) those designed to provide a permanent statutory charter for activities now authorized by substantive language appearing in annual appropriation acts, (3) those necessary to retain desirable provisions of existing law in their original, or amended, form, and (4) those providing new authority with respect to records management and archival administration.

Subsections (a), (b), and (c), and the introductory language of subsection (d) preceding Title V—Federal Records, of section 6 are perfecting amendments necessary to the insertion of a new title V in Public Law 152, Eighty-first Congress.

## TITLE V—FEDERAL RECORDS

## SHORT TITLE

Section 501 provides that title V of this bill may be cited as the "Federal Records Act of 1950".

## CUSTODY AND CONTROL OF PROPERTY

Section 502: The first part of this section merely retains provisions of existing law (44 U. S. C. 300d; Public Law 152, 81st Cong., sec. 104 (a)) relating to the custody and control of the National Archives Building and its contents. The second part provides the Administrator with the necessary authority to enable him to design, construct, and maintain buildings for the storage of records, including records centers as provided in section 505 (d).

## NATIONAL HISTORICAL PUBLICATIONS COMMISSION

Section 503 (a) reconstitutes the present National Historical Publications Commission with a different and an enlarged membership includes representation of the three branches of the Government and the public, and also provides for staggering of the terms of the membership.

The existing authority of the Congress to receive proposals of the Commission is transferred by subsection 503 (d) of this bill to the Administrator, which is one reason for including representatives of the legislative branch in the Commission's membership.

Section 503 (b) provides for the filling of vacancies on the Commission in conformity with the staggered membership of the Commission.

Section 503 (c) provides for the appointment of a staff for the Commission, for limited compensation for members of the Commission representing the public, and for the reimbursement of all members for transportation expenses incurred in attending meetings. The Commission will be required to obtain funds for its activities through regular annual appropriations by the Congress. It is contemplated by your committee that the Commission's staff will be kept small.

Section 503 (d) sets forth the duties of the Commission. The language used in the first four lines appears in existing law. The Commission's duties have been expanded, however, to include the proposal made by the President in his speech at the Library of Congress on May 17, 1950, to encourage and assist private agencies in collecting, editing, and publishing the papers of Americans who have made major contributions to the development of our national culture. The last sentence of this subsection provides for transmission to the Administrator (instead of to the Congress as called for in existing law) of the Commission's plans, estimates, and recommendations.

## FEDERAL RECORDS COUNCIL

Section 504 provides for the establishment by the Administrator of a Federal Records Council composed of representatives, in the number determined by the Administrator subject to fixed minima, of the legislative, executive, and judicial branches of the Government, but not more than one member may be appointed from any particular



executive agency. The Administrator is required to advise and consult with said Council in carrying out the purposes of the new title V. The present National Archives Council would cease to exist by virtue of section 7 (d) of the bill. The new Council elects its own chairman and is required to meet at least once annually.

#### RECORDS MANAGEMENT: THE ADMINISTRATOR

Section 505 (a): This subsection vests the Administrator with staff responsibility for coordinating and improving standards, procedures, and techniques with respect to all three areas of records management in the Federal Government—(1) the creation of records, (2) the maintenance of current records, and (3) the retirement and disposal of records when no longer needed for current operations. In each area the Administrator is directed to develop improved practices and promote their adoption by all Federal agencies.

Section 505 (b): This subsection requires the Administrator to establish standards for the guidance of Federal agencies in determining the classes and types of records that should be retained and those that should be disposed of; and to assist agencies in the application of such standards. It also charges the Administrator with responsibility for assisting agency heads in protecting the records of their agencies against unauthorized physical damage or removal.

Section 505 (c): This subsection continues existing statutory authority (44 U. S. C. 300c; Public Law 152, 81st Cong., sec. 104 (a)) but provides a limitation with respect to surveying or inspecting records the use of which is restricted by law or for reasons of national security or the public interest. The power to inspect or survey, in person or by a deputy, enables the Administrator to obtain first-hand information concerning records management problems and programs in Federal agencies, in order that he may carry out the duties imposed on him by the provisions of this title.

Section 505 (d): The provisions of this subsection clarify and expand the provisions of section 104 (c) of Public Law 152, Eighty-first Congress. The economies made possible through the establishment of records centers for the maintenance of records which must be retained for varying periods of time which need not be maintained in office space and equipment, have been amply proven by the experience of the military agencies and others during the last few years. The need for centralized facilities was emphasized by the Commission on Organization and this subsection carries out the Commission's recommendations. The subsection also contains a new provision authorizing the Administrator to establish, maintain, and operate centralized microfilming services for Federal agencies.

Section 505 (e): This is a new statutory provision. The central staff responsibility for records management placed with the Administrator by this title makes it entirely logical that, except to the extent otherwise provided by law, authority to issue regulations governing the inter-agency transfer of records should also be vested in the Administrator.

Section 505 (f): This is a new provision and the authority granted therein is needed to meet changing needs and conditions in the application of disposal schedules. Under existing statutory authority, retention periods specified in all except general disposal schedules



are mandatory. This subsection authorizes the Administrator to extend retention periods and to promulgate regulations governing the withdrawal of disposal authority, in order to meet changing conditions.

#### RECORDS MANAGEMENT: AGENCY HEADS

In vesting primary responsibility for records management in the Administrator of General Services, the committee did not intend to relieve other Federal agencies of their duties in this field. On the contrary this section places squarely upon the head of each Federal agency the direct obligation to take active part in bringing about efficient records management. The committee expects every Federal agency, particularly those with large accumulations of records, to cooperate with the Administrator to the utmost in reducing costs in this field.

Section 506 (a): At present specific laws direct the heads of certain agencies to create and maintain certain records, but there is no general requirement that Federal agencies maintain adequate records. This subsection provides a general declaration by the Congress on the subject.

Section 506 (b): This subsection covers, in greater detail, part of the ground covered by Executive Order 9784, 11 F. R. 10909, but it also extends coverage to all Federal agencies and spells out the responsibilities of agency heads with respect to records management programs. As the Commission on Organization pointed out, many agencies paid only lip service to the Executive order. The providing of a statutory basis for agency records management programs should strengthen them immeasurably.

Section 506 (c): This subsection is new. It provides the centralized control of records centers recommended by the Commission on Organization and gives a statutory basis for the establishment of centers as needed. If the agency can show that economy and efficiency of operation can best be served by permitting it to operate its own centers, the Administrator may permit the agency to do so, but the Administrator may also establish centers under his own jurisdiction and receive in them the records of any Federal agency.

Section 506 (d): This subsection continues existing authority contained in section 8a of the National Archives Act (44 U. S. C. 300h-1).

Section 506 (e): This subsection requires heads of Federal agencies to provide proper safeguards for the protection of records in their custody as may be necessary and as may be required by regulations of the Administrator, and to make these safeguards known to all such agency officials and employees.

Section 506 (f): This subsection requires that heads of Federal agencies cooperate with the Administrator in protecting the records of their agencies against unauthorized physical damage or removal. The Administrator's responsibilities in this area are defined in the second part of subsection 505 (b).

Section 506 (g): This subsection is designed to insure that the provisions of title V will impose no limitations upon the exercise of certain functions by the Comptroller General nor lessen the existing responsibility of collecting and disbursing officers for rendition of their accounts to the General Accounting Office.

## ARCHIVAL ADMINISTRATION

Section 507 (a) (1) provides for the acceptance of records of the Government having sufficient value to warrant their continued preservation with the National Archives of the United States. It places responsibility on the Archivist to determine professionally whether records have sufficient value to warrant their deposit with the National Archives.

Section 507 (a) (2) authorizes the transfer, with the approval of the originating agency, of records, deposited, or approved for deposit, with the National Archives to public or educational institutions. This would enable the Administrator to provide for the loan or indefinite transfer of records under proper safeguards to State archival agencies or educational institutions. Title to such records would, however, remain vested in the United States unless otherwise authorized by Congress.

Section 507 (a) (3) authorizes the Administrator to effect the transfer of materials from private sources when acceptable for deposit under the provisions of subsection (e) of section 507.

Section 507 (b): This subsection makes the Administrator responsible for the custody, use, and withdrawal of records transferred to him. It contains four provisos respecting restrictions on the use of records, three of which continue in substance provisions of existing law. The third proviso is new. It provides for terminating all restrictions (referred to in this subsection) after the records to which they are applicable have been in existence for 50 years unless otherwise determined by the Administrator with respect to specific bodies of records. This proviso would enable the Administrator to extend the restricted period on a proper showing of need for such extension, but would otherwise provide a general repeal clause to statutory and other restrictions governing the use of records by scholars and the public generally.

Section 507 (c) continues in substance the provisions of existing law respecting the security, rehabilitation, arrangement, reproduction, and description of records transferred to the Administrator. The performance of the functions authorized by its provisions is essential to efficient and economical archival administration.

The last part of the subsection permits the Administrator to publish historical works approved by the National Historical Publications Commission whenever he deems it appropriate.

Section 507 (d) continues authority in existing law for providing reference service on records in the custody of the Administrator.

Section 507 (e) (1) is a new provision that would make it possible for the personal papers and other personal historical documentary materials (motion pictures, sound recordings, etc.) of the President and other high level Government officials to be preserved by the Government with related official records.

Documents of this character, when they can be properly released for scholarly research, frequently constitute the most valuable of all the source materials of history. Their preservation in official custody is highly desirable, but is not likely to occur unless adequate assurance is provided that their privacy will not be jeopardized for a reasonable period of time. The restriction on the use of such materials provided in this subsection is designed to assure this privacy.

Section 507 (e) (2) provides for the transfer of certain types of motion-picture films, still pictures, and sound recordings from private sources that are appropriate for preservation by the Government. The provisions of existing law permit the acceptance from private sources of motion-picture films and sound recordings "pertaining to and illustrative of historical activities of the United States." The provisions of this subsection extend the categories of materials covered to include still pictures but restrict the character of materials that may be accepted to those that are appropriate for preservation as evidence of the organization, functions, policies, decisions, procedures, and transactions of the Government.

Title to the materials deposited under this subsection (e) shall vest in the United States.

Section 507 (f): The first part of this subsection is new and authorizes the making of motion-picture films, still pictures, and sound recordings pertaining to or illustrative of the historical development of the United States Government and its activities. Governmental events of historical importance frequently occur of which no photographic or phonographic records are made, or, if made by commercial or other private concerns, are not made available for deposit with the written records of the event. This provision would authorize the Administrator to make a sound recording of an important speech, or a photograph or motion-picture of an official ceremony, and deposit the recording or photograph with official records in his custody.

The last part of this subsection provides a permanent statutory charter for certain activities relating to motion-picture films now authorized by substantive language appearing in annual appropriation acts. They are extended by this provision to apply also to still pictures and sound recordings. The performance of these activities is essential to the proper preservation, administration, and use of motion-picture films, still pictures, and sound recordings.

#### REPORTS

Section 508 (a) authorizes the Administrator to obtain reports from Federal agencies on their activities under the provisions of this bill and the Records Disposal Act. Such reports will facilitate the performance of the staff and coordinating functions vested in the Administrator by the provisions of the new title V.

Section 508 (b): The purpose of this subsection is to minimize violations of title V by providing for warnings from the Administrator to agency heads, and in case of failure to take corrective measures, for reports by the Administrator to the President and the Congress.

#### LEGAL STATUS OF REPRODUCTION

Section 509 (a): This subsection is new. Some paper records are required by statute to be retained indefinitely. This provision is intended to make certain that retention of the records on microfilm, rather than in paper form, will have statutory authorization; and also to give such microfilm reproductions, as well as other reproductions made in accordance with the provisions of title V, the same legal status as that of the original records;



Section 509 (b) continues the provisions of existing law with respect to an official seal of the National Archives of the United States and the admission in evidence of authenticated reproductions of records in the custody of the Administrator. Its provisions are necessary to provide adequately for the servicing of records.

Section 509 (c) continues the provisions of existing law with respect to fees for reproductions of records. The proviso at the end of the subsection is new, and its purpose is to permit the furnishing of reproductions that might be vital to the interest of the Government at times when funds necessary for furnishing them were unavailable to the Administrator.

#### LIMITATION ON LIABILITY

Section 510: The Federal Tort Claims Act (28 U. S. C. ch. 171) in effect gives general consent for tort suits against the Government with certain exceptions that are set forth in section 2680 of the chapter. The purpose of this section is to extend those exceptions so that the United States and its agents would not be liable for any infringement of literary property rights that might result from the use of letters and other material (exclusive of material copyrighted or patented) after they come into the custody of the Administrator.

#### DEFINITIONS

Section 511: The purpose of this section is to provide a clear understanding as to the meaning of the terms "records", "records center", "servicing", "National Archives of the United States", "unauthenticated copies", and "Archivist", as used in title V.

\* \* \* \* \*

Section 7 of the bill provides for further amendments to the Federal Property and Administrative Services Act of 1949.

Subsection (a) amends section 3 (d) of the act to exclude records of the Federal Government from the definition of the term "property". This is desirable because statutes relating to real and personal property are not applicable to records, and vice versa.

Subsections (b) and (c) are perfecting amendments necessary to the insertion of the new title V in Public Law 152, Eighty-first Congress.

Under subsection (d) there are added to the list of statutory provisions repealed by the Federal Property and Administrative Services Act of 1949 the National Archives Act, as amended, and section 4 of the act of February 3, 1905 (33 Stat. 687, as amended; 5 U. S. C. 77), relative to identifications for motor vehicles used for official purposes in the departmental service in the District of Columbia.

Under subsection (e), section 602 (b) of the Federal Property and Administrative Services Act of 1949 is amended by continuing existing law in paragraph (1) and by providing in paragraph (2) that sections 2 and 4 of the Records Disposal Act (44 U. S. C. 366-380) are superseded to the extent that the provisions thereof are inconsistent with the provisions of the new title V. Sections 2 and 4 of the Records Disposal Act provide, respectively, for the issuance of regulations and the making of recommendations by the present National Archives Council regarding the disposal of records. The National Archives



Council would cease to exist under section 7 (d) of the bill. The function of issuing disposal regulations would be exercised by the Administrator. Subsection (e) also amends section 602 (c) of the Federal Property and Administrative Services Act of 1949 by inserting after the words "in addition" the following: "and paramount". The insertion of such language would firm up the authority of the Administrator of General Services to accomplish the purposes of the Federal Property and Administrative Services Act of 1949.

Under subsection (f), paragraphs (17) and (19) represent existing law, and the present paragraph 18 of 602 (d) of the Federal Property and Administrative Services Act of 1949 is deleted since it is not necessary in view of the revision of 602 (c), there being inserted in lieu thereof an exemption for the Joint Committee on Printing based on the fact that the Committee is a joint committee of both the House and Senate and therefore feels that it might come within the purview of the definition of a Federal agency.

Subsection (g) provides a permanent statutory charter for an activity now authorized by substantive language appearing in annual appropriation acts.

Section 8 amends the definition of the term "Federal agency" in the Federal Property and Administrative Services Act of 1949, so as to exclude from the definition thereof the Architect of the Capitol and any activities under his direction. The other two subsections of section 8 provide for the exclusion from the coverage of the Federal Property and Administrative Services Act of 1949 of the Senate and House of Representatives, including the Architect of the Capitol, unless any of the services or facilities authorized to be rendered shall be requested by the Senate, House, or Architect of the Capitol.

Section 9 amends section 205 (h) of the Federal Property and Administrative Services Act of 1949 by striking out the word "title" and inserting in lieu thereof the word "Act." The effect is to expand the requirement that the Administrator of General Services advise and consult with interested Federal agencies from the limited field of title II to the entire act.

Section 10 provides that the Comptroller General upon recommendation of the head of any Federal agency concerned is authorized and empowered, in connection with any contract made on behalf of the Government which contract includes a provision for liquidated damages for delay, to remit the whole or any part of such damages as in his discretion may be just and equitable. Section 10 also provides for the repeal of section 306 of the Federal Property and Administrative Services Act of 1949 and further provides that section 10 is effective as of July 1, 1949.

Section 11 repeals all laws and parts of laws in conflict with the amendments made by this act.

\* \* \*

EXECUTIVE OFFICE OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
Washington, D. C., July 21, 1950.

HON. WILLIAM L. DAWSON,

*Chairman, Committee on Expenditures in the Executive Departments,  
House of Representatives, New House Office Building, Washington, D. C.*

MY DEAR MR. DAWSON: This is in reply to your request for the views of this Office with respect to H. R. 9129, a bill to amend the Federal Property and Administrative Services Act of 1949, and for other purposes.

This measure is a substitute for H. R. 6315, H. R. 6566, H. R. 7545, H. R. 8353, H. R. 8416, and H. R. 8890, and has as its primary objective the establishment of an adequate records management program in the Federal Government.

Other amendments to the Federal Property and Administrative Services Act of 1949 contained in this bill will:

1. Make the general supply fund available for the procurement of additional common-use printed items not stocked by the Superintendent of Documents, and eliminate the surcharge now levied on agencies making purchase from the Federal Supply Service.

2. Enact into substantive law numerous provisions dealing with the maintenance, operation, and protection of public buildings which have been included in the annual appropriation acts.

3. Provide for donations of surplus personal property to States for public-health purposes, as well as for educational purposes, as now authorized by the Federal Property and Administrative Services Act of 1949. Under that act both the educational and public-health organizations are eligible for donations of surplus real property.

4. Extend to the field service of Federal agencies the requirement of identification of motor vehicles acquired and used for official purposes. Under the present law (sec. 4 of the act of February 3, 1905, 33 Stat. 687, as amended by the act of August 2, 1946, 60 Stat. 811, 5. U. S. C. 77) identification is required only of motor vehicles acquired and used for official purposes in the departmental service in the District of Columbia.

5. Enact into substantive law, on a continuing basis, the principles of Reorganization Plan No. 18 dealing with the transfer to the Administrator of the General Services Administration the control and custody of office buildings owned by the United States.

6. Amend section 306 of the Federal Property and Administrative Services Act of 1949, entitled "Waiver of Liquidated Damages," to extend its provisions to cover all Federal agencies.

The Bureau of the Budget is in accord with the principles of H. R. 9129 and recommends its enactment.

Sincerely yours,

ELMER B. STAATS,  
*Assistant Director.*

COMPTROLLER GENERAL OF THE UNITED STATES,  
Washington, July 26, 1950.

HON. WILLIAM L. DAWSON,

*Chairman, Committee on Expenditures in the Executive Departments,  
House of Representatives.*

MY DEAR MR. CHAIRMAN: Reference is made to your letter of May 10, 1950, requesting report on H. R. 8416, Eighty-first Congress, entitled "A bill to amend Public Law 152, Eighty-first Congress, approved June 30, 1949," and to recent informal advice from counsel for your committee that the committee would prefer a report on H. R. 9129, Eighty-first Congress, entitled "A bill to amend the Federal Property and Administrative Services Act of 1949, and for other purposes."

There is enclosed a section-by-section analysis of H. R. 9129, which has the approval of the General Accounting Office. It is noted, particularly, that the bill contains language suggested by the General Accounting Office to improve the accounting and fiscal procedures under the 1949 act and to authorize the Comptroller General, upon the recommendation of the head of any Federal agency, to remit liquidated damages provided for in any contract of such agency.

It is understood, also, that your committee desires comment of the General Accounting Office with respect to the desirability of the proposed section 6 of H. R. 9129, which would be a Federal Records Act of 1950. Although the General

Accounting Office is not the agency primarily concerned, it may be said that this act is designed to bring about improved management of Government records. It would impose on the Administrator of General Services the principal responsibility to accomplish this purpose, with the necessary measure of authority to carry out his responsibility in proper balance with the duties and requirements of all the agencies. There would be a central agency, working in cooperation with all others, to lead and coordinate a program of more efficient and effective utilization, maintenance, and disposal of records.

The heads of the Federal agencies would have definite responsibilities in the program, and provision is made for full consideration of their jurisdiction and needs. They would be required to observe standards and principles laid down by the Administrator of General Services, within his authority, and any violation of the act would be reported by the Administrator to the Congress and the President. Adequate safeguards are provided for the performance by the General Accounting Office of its assigned functions.

The Comptroller General and I long have recognized the seriousness of the problems arising from the ever-growing volume of Government records. It is one in the solution of which all of us—the Congress and the President, the departments and agencies, and the taxpayers—have a large stake. A carefully planned, concerted attack on the problem by all concerned is essential. The proposed legislation appears well suited to the undertaking. It would establish a central responsible agency, and call for active participation by all the agencies. It would provide machinery to guide and assist those agencies in the betterment of their own records, practices, and procedures. Just as is the case in the accounting field, where the Comptroller General, the Secretary of the Treasury, and the Director of the Bureau of the Budget—the heads of the three central fiscal agencies—have joined with all the agencies in a cooperative program to improve Federal accounting and financial reporting, a comparable program for Federal records, under the leadership of the Administrator of General Services, should be a significant step toward greater economy and efficiency in Government.

Sincerely yours,

FRANK L. YATES,

*Acting Comptroller General of the United States.*

GENERAL ACCOUNTING OFFICE SECTION-BY-SECTION ANALYSIS OF H. R. 9129,  
EIGHT-FIRST CONGRESS

Section 1 of the bill is a clarification of existing authority.

Section 2 of the bill would have the general effect of eliminating the surcharge presently added to the cost of goods procured for other agencies so that operating costs would be borne by annual appropriations to the General Services Administration instead of being hidden in the expenses of the requisitioning agencies. This result would appear desirable.

Section 3 would amend subsection (b) of section 109 of the Federal Property and Administrative Services Act by (1) removing the provision for preparation of vouchers by requisitioning agencies, which is understood to have been a cause of delay in payments, and substituting therefor a provision for reimbursement in accordance with accounting procedures which will be approved by the Comptroller General, and (2) amending the proviso of the said subsection to prevent the Administrator from employing the "automatic" warrant or other lawful transfer document procedure provided for therein until at least 45 days shall have elapsed from the date when an actual liability has been incurred by the General Services Administration on behalf of the requisitioning agency. This Office approves the proposed amendments.

Section 3 (b) of the bill would confer on the Administrator of General Services specific authority to charge proper fees for testing services rendered to vendors and producers. Such provision is believed to be desirable.

Section 4 would authorize the Administrator of General Services to donate surplus property for educational purposes or public-health purposes to tax-supported and nonprofit institutions such as specified in the said section. Under existing law, the Administrator has authority to donate surplus real property for health purposes and to donate surplus personal or real property for educational purposes, and there is not perceived any objection to the proposed amendment.

Section 5 of the bill relates to operation of buildings and related activities and to automobile identification. Aside from the redesignation of sections, the part relating to operation of buildings is largely a consolidation and restatement of existing substantive authority of the Administrator of General Services and of authority which has heretofore been provided in annual appropriation acts.



The provisions of paragraphs 1, 2, 3, 4, 6, 7, 9, and 11 of subsection (a) are from annual appropriations and appear unobjectionable. Paragraph 5 transfers to the Administrator certain authority to pay rentals and make repairs, alterations, and improvements, without regard to the provision of section 322 of the act of June 30, 1932 (47 Stat. 412), with respect to leases entered into for other agencies formerly having such authority, or whose leases have been transferred to General Services Administration. Paragraph 8 confers on the Administrator authority to disregard the 25-percent limitation on repairs, alterations, or improvements to rented premises contained in section 322 of said act of June 30, 1932, in instances where he makes a determination that repairs, alterations, or improvements in excess of the limitation is advantageous to the Government. This Office offers no objection to these provisions, since under paragraph 5 the Administrator gets no authority not previously vested in the heads of other agencies and under paragraph 8 would be required to determine in each instance that the repairs, alterations, or improvements in excess of 25 percent is advantageous to the Government. Paragraph 10 would extend previous authority of the Administrator, with respect to the furnishing of utilities and other services, to surplus real property generally, and appears unobjectionable. Paragraph 12 would extend the Administrator's authority with respect to the acquisition of real estate and interests therein to include condemnation. Subsection 5 (b) would authorize the Administrator, at the request of any Federal agency or mixed-ownership corporation occupying any building owned by the United States or by such corporation, to operate, maintain, and protect such building. Paragraph 5 (c) would authorize the Administrator, at the request of any Federal agency or mixed-ownership corporation, to acquire land for buildings and projects authorized by the Congress, to make surveys, plans, etc., for such buildings and projects, and to contract for and supervise their construction and equipment. Such provisions generally follow Reorganization Plan No. 18, subsection 5 (d), providing for the same exceptions to the Administrator's authority as does said reorganization plan, and are unobjectionable.

The proposed new section 211 (p. 12 of the bill) entitled "Automobile Identification" has the approval of this Office.

Section 6 of the bill would constitute the Federal Records Act of 1950. Its provisions have the approval of this Office and, also, conform to recommendations of the Hoover Commission.

The proposed new section 502 of the Federal Property and Administrative Services Act of 1949 (p. 13 of the bill) merely restates provisions of existing law vesting in the Administrator of General Services custody and control of the National Archives Building and its contents, but adds authority to design, construct, and maintain records centers.

Section 503 continues the National Historical Publications Commission with a different and enlarged membership, including representatives of the three branches of the Government and the public, provides for filling vacancies in the membership, for payment of the Commission's expenses and the compensation of the members representing the public, and sets out the duties of the Commission. There is not perceived any objection to the provisions of this section.

Section 504 provides for the establishment of a Federal Records Council, with which the Administrator shall advise and consult in carrying out the purposes of the act. This Council would supplant the existing National Archives Council.

Subsection 505 (a) vests the Administrator with staff and coordinating responsibility for the economical and efficient management of records of Federal agencies.

Subsection 505 (b) requires the Administrator to establish standards for the selective retention of records, to assist the Federal agencies in applying such standards to records in their custody and to assist agency heads in protecting the records of their agencies against unauthorized damage or removal.

Subsection 505 (c) continues existing statutory authority of the Administrator to inspect records but provides that such inspection of records, the use of which is restricted by or pursuant to law or for reasons of national security or the public necessity, shall be in accordance with regulations promulgated by the Administrator subject to the approval of the head of the custodial agency.

Subsection 505 (d) clarifies and extends provisions of existing law by authorizing the Administrator to establish, maintain, and operate records centers for the storage, processing, and serving of records and to operate centralized microfilming services for Federal agencies. This subsection carries out the recommendations of the Hoover Commission as to records centers.

Subsection 505 (e) is a new provision authorizing the Administrator to promulgate regulations governing the transfer of records from the custody of one executive agency to that of another.



Subsection 505 (f) also is a new provision authorizing the Administrator to provide for retaining records for a longer period than that specified in disposal schedules approved by Congress. Such provision seems desirable in order to meet changing needs and conditions with respect to disposal of records.

Section 506 prescribes the duties and responsibilities of agency heads with respect to the making, management, and preservation of adequate records, and includes a provision that nothing in the act shall be construed as limiting the authority of the Comptroller General of the United States with respect to prescribing accounting systems, forms, and procedures, or lessening the responsibility of collecting and disbursing officers for rendition of their accounts for settlement by the General Accounting Office.

Subsection 507 (a) authorizes the Administrator to accept for deposit with the National Archives the records of any Federal agency or of the Congress that are determined by the Archivist to have sufficient value to warrant their preservation, to direct and effect, with the approval of the head of the originating agency, the transfer of records of public or educational institutions or associations, and to effect the transfer of materials from private sources authorized to be received by the Administrator by the provisions of subsection 507 (e).

Subsection 507 (b) makes the Administrator responsible for the custody, use, and withdrawal of records transferred to him. It contains four provisos respecting restrictions on the use of records, three of which merely retain existing statutory restrictions. The third proviso is new, providing that restrictions referred to in this subsection shall not remain in force after the records have been in existence for 50 years, unless otherwise determined by the Administrator with respect to specific bodies of records.

Section 507 (c) continues, in substance, the provisions of existing law as to the preservation, arrangement, repair, and reproduction of records transferred to the Administrator, and provides authority for the Administrator to publish certain works approved by the National Historical Publications Commission.

Section 507 (d) continues existing authority for providing reference service on records in the custody of the Administrator.

Section 507 (e) is a partially new provision authorizing the Administrator to accept for deposit the personal papers and other personal historical documentary material of high Government officials under specified restrictions; also, motion-picture films, sound recordings, etc., from private sources.

Section 507 (f) authorizes the Administrator to make, preserve, and provide for the use of motion-picture films, still pictures, and sound recordings pertaining to the historical development of the United States Government and its activities.

Section 508 (a) authorizes the Administrator to require reports from Federal agencies on their activities under this act and the Records Disposal Act.

Section 508 (b) authorizes the Administrator to inform the heads of agencies as to violations of the Federal Records Act of 1950 and, unless corrective action is taken, to report said violations to the President and the Congress.

Section 509 (a) is a new provision giving statutory authority for the retention of records reproduced on microfilm, or by other copying process in lieu of original records required by law to be retained indefinitely and providing that such reproductions shall have the same legal status as the original records.

Section 509 (b) continues the provisions of existing law with respect to an official seal of the National Archives of the United States and the admission in evidence of authenticated copies or reproductions of records.

Section 509 (c) continues the provisions of existing law with respect to fees for copies or reproductions of records, with a new provision permitting reimbursement of the cost of furnishing such copies or reproductions.

Section 510 would protect the United States and its agents from liability for any infringement of literary property rights that might result from the use of letters and other intellectual productions in the custody of the Administrator, exclusive of material copyrighted or patented.

Section 511 consists of definitions of the terms "records," "records centers," and other terms used in the bill.

Section 7 (a) of the bill would amend section 3 (d) of the Federal Property and Administrative Services Act of 1949 so as to exclude Government records from the definition of the word "property." The remainder of section 7 consists chiefly of amendments necessary for inserting the provisions of the bill in the Federal Property and Administrative Services Act, for expressly repealing the National Archives Act and for superseding specified provisions of certain statutes and of Executive Order No. 6166.

Section 8 of the bill contains provisions excepting the Senate, the House of Representatives, and the Architect of the Capitol from the provisions of the Federal

Property and Administrative Services Act of 1949, but providing that any services and facilities authorized by the act shall be available to the Senate, House of Representatives, and Architect of the Capitol upon their request. It is noted that there should be quotation marks at the beginning of line 21, page 33 of the bill.

Section 9 would amend section 205 (h) of the Federal Property and Administrative Services Act of 1949 by broadening the duty of the Administrator to consult with interested Federal agencies to the scope of the entire act.

Section 10 provides that whenever any contract made on behalf of the Government by the head of any Federal agency, or by officers authorized by him to do so, includes a provision for liquidated damages for delay, the Comptroller General upon recommendation of such head is authorized and empowered to remit the whole or any part of such damages as in his discretion may be just and equitable. This provision was incorporated in the bill at the suggestion of the General Accounting Office and is strongly recommended in the interest of uniformity in the matter of remission of liquidated damages. A similar provision of law is now contained in the Armed Services Procurement Act of 1947 (62 Stat. 21, 24), but it applies only to the Department of the Army, the Department of the Navy, the Department of the Air Force, the United States Coast Guard, and the National Advisory Committee for Aeronautics. Also, a similar provision is contained in section 306 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 396), but it applies only to contracts covered by title 3 of that act and made by executive agencies. I know of no sound reason for such limited application of the law.

As hereinbefore indicated, the provisions of H. R. 9129 have the approval of this Office or are considered unobjectionable.

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GENERAL SERVICES ADMINISTRATION,  
July 26, 1950.

HON. WILLIAM L. DAWSON,  
*Chairman Committee on Expenditures in the Executive Departments,  
House of Representatives, Washington 25, D. C.*

DEAR MR. DAWSON: Reference is made to H. R. 9129, entitled "A bill to amend the Federal Property and Administrative Services Act of 1949."

The proposed legislation has been the subject of extended study by me and my associates, and, as you know, my staff has assisted your staff in the consideration and drafting of the bill. This letter will therefore confirm the wholehearted support of the measure by this Administration.

I have been informally advised by the Bureau of the Budget that it has no objection to the submission of this report to your committee.

Sincerely yours,

JESS LARSON,  
*General Services Administrator.*

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CITIZENS COMMITTEE FOR THE HOOVER REPORT,  
CITIZENS COMMITTEE FOR REORGANIZATION OF THE  
EXECUTIVE BRANCH OF THE GOVERNMENT,  
Washington 5, D. C., July 21, 1950.

HON. CHET HOLIFIELD,  
*Chairman, Executive and Legislative Reorganization Subcommittee  
of the Committee on Expenditures in the Executive Departments,  
House of Representatives, Washington 25, D. C.*

MY DEAR MR. HOLIFIELD: The Citizens Committee for the Hoover Report has followed with interest the work of your committee resulting in H. R. 9129 (S. 3842). This committee, in following the progress of this bill, has worked closely with Emmett J. Leahy, executive director of the National Records Management Council, who directed the Hoover Commission's task force on records management in the Federal Government. We find that H. R. 9129 is fully consistent with the recommendations of the Hoover Commission. It is a pleasure, therefore, to assure you, on behalf of the Citizens Committee, of our complete endorsement of this bill.

The majority of the recommendations of the Hoover Commission and its task force on records management have been accepted by the President and the Congress. These Presidential and congressional enactments have been suitably implemented by the essential appropriations. The bill now being presented to

the Congress by your committee, if acted upon favorably by the Congress, will represent a 100-percent adoption of the letter as well as the spirit of the Hoover Commission's recommendations in the important field of Federal records management.

Complete adoption of the Hoover Commission's records management program slashes the immense clerical costs and red tape in the Federal Government. At the same time, it guarantees effective record making and record keeping as essential tools of management and as a service to the people by the Federal Government.

To this end, we should like to urge you to exert every effort to have the Congress accept your recommendations in this important field at this session of Congress.

Sincerely yours,

CHARLES B. COATES.

NATIONAL RECORDS MANAGEMENT COUNCIL,  
New York City 1, July 14, 1950.

Representative CHET HOLIFIELD,

*Chairman, Subcommittee on Executive and Legislative Reorganization,  
House Committee on Expenditures in the Executive Departments,  
House of Representatives, Washington, D. C.*

MY DEAR REPRESENTATIVE HOLIFIELD: As director of the Hoover Commission's task force on records management and author of its report, I am very much interested in H. R. 9129, currently under consideration by your subcommittee.

I have carefully reviewed H. R. 9129 and compared it with the letter and spirit of our recommendations for the Hoover Commission. It is gratifying to find that your bill is wholly consistent with our recommendations.

You and your colleagues on the subcommittee are to be commended by all records management specialists, your constituents, and the general public for the excellent progress you have made toward slashing red tape and clerical costs in the Federal Government. At the same time, you are insuring greater effectiveness of records as tools of Federal management and service.

It is significant that your action promises to forge the Federal Government far ahead of both private business and State and local governments in the improvement and reduction of clerical operations including record making and record keeping.

We trust that you and your colleagues will not relent in your efforts to achieve these excellent objectives during the present session of Congress.

Cordially yours,

EMMETT J. LEAHY,  
*Executive Director.*

#### CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

#### FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949 (PUBLIC LAW 152, 81ST CONG., 1ST SESS., APPROVED JUNE 30, 1949)

##### SECTION 1. \* \* \*

\* \* \* \* \*

##### TABLE OF CONTENTS

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##### TITLE II—PROPERTY MANAGEMENT

- Sec. 201. Procurement, warehousing, and related activities.
- Sec. 202. Property utilization.
- Sec. 203. Disposal of surplus property.
- Sec. 204. Proceeds from transfer and disposition of property.
- Sec. 205. Policies, regulations, and delegations.
- Sec. 206. Surveys, standardization, and cataloging.
- Sec. 207. Applicability of antitrust laws.
- Sec. 208. Employment of personnel.



Sec. 209. Civil remedies and penalties.  
 Sec. 210. *Operation of buildings and related activities.*  
 Sec. 211. *Motor vehicle identification.*  
 Sec. [210] 212. Reports to Congress.

\* \* \* \* \*

#### TITLE V—FEDERAL RECORDS

Sec. 501. *Short title.*  
 Sec. 502. *Custody and control of property.*  
 Sec. 503. *National Historical Publications Commission.*  
 Sec. 504. *Federal Records Council.*  
 Sec. 505. *Records management; the Administrator.*  
 Sec. 506. *Records management; agency heads.*  
 Sec. 507. *Archival administration.*  
 Sec. 508. *Reports.*  
 Sec. 509. *Legal status of reproductions.*  
 Sec. 510. *Limitation on liability.*  
 Sec. 511. *Definitions.*

#### TITLE [V] VI—GENERAL PROVISIONS

Sec. [501] 601. Applicability of existing procedures.  
 Sec. [502] 602. Repeal and saving provisions.  
 Sec. [503] 603. Authorization for appropriations.  
 Sec. [504] 604. Separability.  
 Sec. [505] 605. Effective date.

SEC. 3. (b) The term "Federal Agency" means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate, [and] the House of Representatives, *and the Architect of the Capitol and any activities under his direction*).

SEC. 3. (d) The term "property" means any interest in property of any kind except (1) the public domain and lands reserved or dedicated for national forest or national park purposes; [and] (2) naval vessels of the following categories: Battleships, cruisers, aircraft carriers, destroyers, and submarines [.] ; and (3) *records of the Federal Government.*

\* \* \* \* \*

SEC. 102. (a) The functions of (1) The Bureau of Federal Supply in the Department of the Treasury, (2) the Director of the Bureau of Federal Supply, (3) the personnel of such Bureau, and (4) the Secretary of the Treasury, relating to the Bureau of Federal Supply, are hereby transferred to the Administrator. The records, property, personnel, obligations, and commitments of the Bureau of Federal Supply, together with such additional records, property, and personnel of the Department of the Treasury as the Director of the Bureau of the Budget shall determine to relate primarily to functions transferred by this section or vested in the Administrator by titles II, III, and [V] VI, of this Act, are hereby transferred to the General Services Administration. The Bureau of Federal Supply and the office of Director of the Bureau of Federal Supply are hereby abolished.

SEC. 104. (b) There are also transferred to the General Services Administration the following bodies, together with their respective functions and such funds as are derived from Federal sources: (1) The [National Archives Council and the] National Historical Publications Commission, established by the Act of June 19, 1934 (48 Stat. 1122), (2) the National Archives Trust Fund Board, established by the Act of July 9, 1941 (55 Stat. 581), (3) the Board of Trustees of the Franklin D. Roosevelt Library, established by the Joint Resolution of July 18, 1939 (53 Stat. 1062), and (4) the Administrative Committee established by section 6 of the Act of July 26, 1935 (49 Stat. 501), which shall hereafter be known as the Administrative Committee of the Federal Register. The authority of the Administrator under section 106 hereof shall not extend to the bodies or functions affected by this subsection.

SEC. 109. (a) There is hereby authorized to be set aside in the Treasury a special fund which shall be known as the General Supply Fund. Such fund shall be composed of the assets of the general supply fund (including any surplus therein) created by section 3 of the Act of February 27, 1929 (45 Stat. 1342; 41 U. S. C. 7c), and transferred to the Administrator by section 102 of this Act, and such sums as may be appropriated thereto, and the fund shall assume all of the liabilities, obligations, and commitments of the general supply fund created by such Act of February 27, 1929. The capital of the General Supply Fund shall be in an amount not greater than \$75,000,000. The General Supply Fund shall be available for use by or under the direction and control of the Administrator (1) for procuring personal property (including the purchase from or through the Public Printer, [of standard forms and blank book work for field warehouse issue] *for warehouse issue, of standard forms, blank book work, standard specifica-*



tions, and other printed material in common use by Federal agencies not available through the Superintendent of Documents) and nonpersonal services for the use of Federal agencies in the proper discharge of their responsibilities and (2) for paying [all elements of cost of the procurement, handling, and distribution thereof, except that on and after July 1, 1950, those elements of cost which are determined by the Administrator with the approval of the Director of the Bureau of the Budget to be indirect or overhead costs shall not be paid from the fund.] *the purchase price, transportation to first storage point of supplies and services, and the cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property.*<sup>1</sup>

SEC. 109. (b) Payment by requisitioning agencies shall be at prices fixed by the Administrator. Until July 1, 1950, such prices shall be fixed in accordance with law and regulations applicable on the date of enactment of this Act to prices fixed by the Director of the Bureau of Federal Supply. On and after such date, such prices shall be fixed at levels so as to recover so far as practicable [all costs except those which are determined by the Administrator with the approval of the Director of the Bureau of the Budget to be indirect or overhead costs.] *the applicable purchase price, the transportation cost to first storage point, inventory losses, the cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property, and the cost of amortization and repair of equipment utilized for lease or rent to executive agencies.*<sup>1</sup> Requisitioning agencies shall pay by advance of funds in all cases where it is determined by the Administrator that there is insufficient capital otherwise available in the General Supply Fund. Advances of funds also may be made by agreement between the requisitioning agencies and the Administrator. Where an advance of funds is not made, [requisitioning agencies shall promptly reimburse] *the General Services Administration shall be reimbursed promptly out of the funds of [on vouchers prepared by]* the requisitioning agency [On the basis of itemized invoices submitted by the Administrator and receiving reports evidencing the delivery to the requisitioning agency of such supplies or services] *in accordance with accounting procedures approved by the Comptroller General: Provided, That in any case where payment shall not have been made by the requisitioning agency within forty-five days after the date of billing by the Administrator or the date on which an actual liability for supplies or services is incurred by the Administrator, whichever is the later, reimbursement may be obtained by the Administrator by the issuance of transfer and counterwarrants, or other lawful transfer documents, supported by itemized invoices.*

SEC. 109. (g) *The Administrator of General Services is authorized in his discretion to charge vendors and producers of commodities considered for purchase such fees as he shall determine to be reasonable for testing such commodities for conformance to specifications and standards, and such fees may be deposited in the General Supply Fund and used to defray the expenses of conducting such tests as the Administrator may prescribe.*

SEC. 201. (b) The Administrator shall as far as practicable provide any of the services specified in subsection (a) of this section to any Federal agency, mixed ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, [or the Senate, or the House of Representatives,] upon its request.

SEC. 203. (j) (1) Under such regulations as he may prescribe, the Administrator is authorized in his discretion to donate for educational purposes or *public health purposes, including research*, in the States, Territories, and possessions without cost (except for costs of care and handling) such equipment, materials, books, or other supplies under the control of any executive agency as shall have been determined to be surplus property and which shall have been determined under paragraph (2) or paragraph (3) of this subsection to be usable and necessary for educational purposes [.] *or public health purposes, including research.*

(2) Determination whether such surplus property (except surplus property donated in conformity with paragraph (3) of this subsection) is usable and necessary for educational purposes or *public health purposes, including research*, shall be made by the Federal Security Administrator, who shall allocate such property on the basis of needs and utilization for transfer by the Administrator of General Services to tax-supported *medical institutions, hospitals, clinics, health centers*, school systems, schools, colleges, and universities, and to other nonprofit *medical institutions, hospitals, clinics, health centers*, schools, colleges, and universities

<sup>1</sup> With respect to the 2 amendments indicated by asterisks, sec. 2 (c) of the bill provides that they "shall be effective on the date, not earlier than July 1, 1950, on which the Administrator of General Services shall determine that appropriated funds adequate to effectuate the purposes of such amendments have been made available."

which have been held exempt from taxation under section 101 (6) of the Internal Revenue Code, or to State departments of education or health for distribution to such tax-supported and nonprofit *medical institutions, hospitals, clinics, health centers*, school systems, schools, colleges, and universities; except that in any State where another agency is designated by State law for such purpose such transfer shall be made to said agency for such distribution within the State.

(3) In the case of surplus property under the control of the National Military Establishment, the Secretary of Defense shall determine whether such property is usable and necessary for educational activities that are of special interest to the armed services, such as maritime academies or military, naval, Air Force, or Coast Guard preparatory schools. If such Secretary shall determine that such property is usable and necessary for such purposes, he shall allocate it for transfer by the Administrator to such educational activities. If he shall determine that such property is not usable and necessary for such purposes, it may be disposed of in accordance with paragraph 2 of this subsection.

Sec. 205. (h) The Administrator shall advise and consult with interested Federal agencies with a view to obtaining their advice and assistance in carrying out the purposes of this [title] Act.

Sec. 208. (a) The Administrator is authorized, subject to the civil-service and classification laws, to appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of titles I, II, III, [and V] V, and VI of this Act.

(b) To such extent as he finds necessary to carry out the provisions of titles I, II, III, [and V] V, and VI of this Act, the Administrator is hereby authorized to procure the temporary (not in excess of one year) or intermittent services of experts or consultants or organizations thereof, including stenographic reporting services, by contract or appointment, and in such cases such service shall be without regard to the civil-service and classification laws, and, except in the case of stenographic reporting services by organizations, without regard to section 3709, Revised Statutes, as amended (41 U. S. C. 5).

(For greater convenience in comparison, a number of differences between existing law and H. R. 9129 are indicated in the following parallel columns:)

EXISTING LAW

THE BILL

FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949 (PUBLIC LAW 152, 81ST CONG., APPROVED JUNE 30, 1949)

SEC. 5. The Federal Property and Administrative Services Act of 1949 is amended by—

(a) redesignating section 210 thereof as section 212, and wherever such section number appears in such Act as originally enacted, it is amended to conform to the redesignation prescribed by this subsection;

(b) inserting in the table of contents appearing in the first section of such Act, immediately after the line in which "Sec. 290." appears, the following:

"Sec. 210. Operation of buildings and related activities.  
"Sec. 211. Motor vehicle identification."

(c) Inserting, immediately after section 209 thereof, the following new sections:

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\* \* \* \* \*

Section 210

## EXISTING LAW

INDEPENDENT OFFICES APPROPRIATION ACT OF 1950 (PUBLIC LAW 266, 81ST CONG., APPROVED AUGUST 24, 1949), UNDER THE HEADING FEDERAL WORKS AGENCY, PUBLIC BUILDINGS ADMINISTRATION

Purchase, repair, and cleaning of uniforms for guards and elevator conductors

Arms and ammunition for the guard force

Ground rent of the Federal buildings at Salamanca, New York, and Columbus, Mississippi, for which payment may be made in advance

Under the appropriations for salaries and expenses, public buildings and grounds in and outside the District of Columbia, and for National Industrial Reserve, per diem employees may be paid at rates approved by the Commissioner of Public Buildings not exceeding current rates for similar services in the place where such services are employed and such employees in emergencies may be entered on duty subject to confirmation by the Federal Works Administrator.

The provisions of section 322 of the Act of June 30, 1932, as amended (40 U. S. C. 278a), shall not apply to any lease entered into by, or transferred to the Public Buildings Administration for the housing of activities specifically exempted from the provisions of said Act, as amended.

SECTION 322 OF THE ACT OF JUNE 30, 1932 (47 STAT. 412), AS AMENDED

After June 30, 1932, no appropriation shall be obligated or expended for the rent of any building or part of a building to be occupied for Government purposes at a rental in excess of the per annum rate of 15 per centum of the fair market value of the rented premises at date of the lease under which the premises are

## THE BILL

OPERATION OF BUILDINGS AND RELATED ACTIVITIES

SEC. 210. (a) Whenever and to the extent that the Administrator has been or hereafter may be authorized by any provision of law other than this subsection to maintain, operate, and protect any building, property, or grounds situated in or outside the District of Columbia, including the construction, repair, preservation, demolition, furnishing, and equipment thereof, he is authorized in the discharge of the duties so conferred upon him—

(1) to purchase, repair, and clean uniforms for civilian employees of the General Services Administration who are required by law or regulation to wear uniform clothing;

(2) to furnish arms and ammunition for the protection force maintained by the General Services Administration;

(3) to pay ground rent for buildings owned by the United States or occupied by Federal agencies, and to pay such rent in advance when required by law or when the Administrator shall determine such action to be in the public interest;

(4) to employ and pay personnel employed in connection with the function of operation, maintenance, and protection of property at such per diem rates as may be approved by the Administrator, not exceeding rates currently paid by private industry for similar services in the place where such services are performed;

(5) without regard to the provisions of section 322 of the Act of June 30, 1932 (47 Stat. 412), as amended, to pay rental, and to make repairs, alterations, and improvements under the terms of any lease entered into by, or transferred to, the General Services Administration for the housing of any Federal agency which on June 30, 1950, was specifically exempted by law from the requirements of said section;



## EXISTING LAW

to be occupied by the Government nor for alterations, improvements, and repairs of the rented premises in excess of 25 per centum of the amount of the rent for the first year of the rental term, or for the rental term if less than one year: *Provided*, That the provisions of this section shall not apply to leases made prior to June 30, 1932, except when renewals thereof are made after such date, nor to leases of premises in foreign countries for the foreign services of the United States: *Provided further*, That the provisions of this section as applicable to rentals, shall apply only where the rental to be paid shall exceed \$2,000 per annum.

INDEPENDENT OFFICES APPROPRIATION  
ACT OF 1950, SUPRA

The appropriations for salaries and expenses, public buildings and grounds in and outside the District of Columbia, shall be available for communication services serving one or more governmental activities, and for services to motor vehicles, and where such services, together with quarters, maintenance, or other services, are furnished on a reimbursable basis to any governmental activity, such activity shall make payment therefor promptly by check upon the request of the Public Buildings Administration, either in advance or after the service has been furnished, for deposit to the credit of the applicable appropriation, of all or part of the estimated or actual cost thereof, as the case may be, proper adjustment upon the basis of actual cost to be made for services paid for in advance.

And for changes in, maintenance of and repairs to the pneumatic-tube system in New York City installed under franchises of the City of New York, approved June 29, 1909, and June 11, 1928, and the payment of any obligations arising thereunder in accordance with the provisions of the Acts approved August 5, 1909 (36 Stat. 120), and May 15, 1928 (45 Stat. 533).

SECTION 322 OF THE ACT OF JUNE 30,  
1932, SUPRA

After June 30, 1932, no appropriation shall be obligated or expended for the rent of any building or part of a building to be occupied for Government purposes at a rental in excess of the per annum

## THE BILL

(6) to obtain payments, through advances or otherwise, for services, space, quarters, maintenance, repair, or other facilities furnished, on a reimbursable basis, to any other Federal agency, or any mixed-ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, and to credit such payments to the applicable appropriation of the General Services Administration;

(7) to make changes in, maintain, and repair the pneumatic tube system connecting buildings owned by the United States or occupied by Federal agencies in New York City installed under franchise of the City of New York, approved June 29, 1909, and June 11, 1928, and to make payments of any obligations arising thereunder in accordance with the provisions of the Acts approved August 5, 1909 (36 Stat. 120), and May 15, 1928 (45 Stat. 533);

(8) to repair, alter, and improve rented premises, without regard to the 25 per centum limitation of Section 322 of the Act of June 30, 1932 (47 Stat. 412), as amended,



## EXISTING LAW

rate of 15 per centum of the fair market value of the rented premises at date of the lease under which the premises are to be occupied by the Government nor for alterations, improvements, and repairs of the rented premises in excess of 25 per centum of the amount of the rent for the first year of the rental term, or for the rental term if less than one year: *Provided*, That the provisions of this section shall not apply to leases made prior to June 30, 1932, except when renewals thereof are made after such date, nor to leases of premises in foreign countries for the foreign services of the United States: *Provided further*, That the provisions of this section as applicable to rentals, shall apply only where the rental to be paid shall exceed \$2,000 per annum.

THIRD DEFICIENCY APPROPRIATION ACT  
OF 1949 (PUBLIC LAW 343, 81ST  
CONG., APPROVED OCTOBER 10, 1949)

Payments to States or political subdivisions thereof of sums in lieu of taxes accruing against real property declared surplus by Government corporations.

INDEPENDENT OFFICES APPROPRIATION  
ACT OF 1950

*Provided further*, That the Public Buildings Administration may furnish necessary utilities or services, at cost, to persons, firms, or corporations in connection with the occupancy of such plants and the amounts received therefor may be credited as reimbursements to this appropriation.

SECTION 3719, REVISED STATUTES (31  
U. S. C. 484)

DEPOSIT WITHOUT DEDUCTION. The gross amount of all moneys received from whatever source for the use of the United States, except as otherwise provided, shall be paid by the officer or agent receiving the same into the Treasury, at as early a day as practicable, without any abatement or deduction on account of salary, fees, costs, charges, expenses, or claim of any description whatever. But nothing herein shall affect any provision relating to the revenues of the Post Office Department.

## THE BILL

upon a determination by the Administrator that by reason of circumstances set forth in such determination the execution of such work, without reference to such limitation, is advantageous to the Government in terms of economy, efficiency, or national security: *Provided*, That such determination shall show that the total cost (rentals, repairs, alterations, and improvements) to the Government for the expected life of the lease shall be less than the cost of alternative space which needs no such repairs, alterations, or improvements. A copy of every such determination so made shall be furnished to the General Accounting Office;

(9) to pay sums in lieu of taxes on real property declared surplus by Government corporations, pursuant to the Surplus Property Act of 1944, where legal title to such property remains in any such Government corporation;

(10) To furnish utilities and other services where such utilities and other services are not provided from other sources to persons, firms, or corporations occupying or utilizing plants or portions of plants which constitute (A) a part of the National Industrial Reserve pursuant to the National Industrial Reserve Act of 1948, or (B) surplus real property, and to credit the amounts received therefrom to the applicable appropriation of the General Services Administration;

(11) at the direction of the Secretary of Defense, to use proceeds received from insurance against damage to properties of the National Industrial Reserve for repair or restoration of the damaged properties; and

## EXISTING LAW

SECTION 1 OF THE PUBLIC BUILDINGS  
ACT OF 1926 (APPROVED MAY 25,  
1926), AS AMENDED, (40 U. S. C. 341)

To enable the Administrator of General Services to provide suitable accommodations in the District of Columbia for the executive departments, and independent establishments of the Government not under any executive department, and for courthouses, post offices, immigration stations, custom-houses, marine hospitals, quarantine stations, and other public buildings of the classes under the control of the General Services Administration in the States, Territories, and possessions of the United States, he is hereby authorized and directed to acquire, by purchase, condemnation, or otherwise, such sites and additions to sites as he may deem necessary.

SECTION 322 OF THE ACT OF JUNE 30,  
1932, AS AMENDED, SUPRA

After June 30, 1932, no appropriation shall be obligated or expended for the rent of any building or part of a building to be occupied for Government purposes at a rental in excess of the per annum rate of 15 per centum of the fair market value of the rented premises at date of the lease under which the premises are to be occupied by the Government nor for alterations, improvements, and repairs of the rented premises in excess of 25 per centum of the amount of the rent for the first year of the rental term, or for the rental term if less than one year: *Provided*, That the provisions of this section shall not apply to leases made prior to June 30, 1932, except when renewals thereof are made after such date, nor to leases of premises in foreign countries for the foreign services of the United States: *Provided further*, That the provisions of this section as applicable to rentals, shall apply only where the rental to be paid shall exceed \$2,000 per annum.

ACT OF JUNE 25, 1910 (40 U. S. C. 265)  
AS AMENDED

The Administrator of General Services may, in his discretion, upon the request of the head of any other executive department, independent establishment, or other Federal agency, cause the General Services Administration to carry out the construction of any building or buildings for governmental purposes which any such executive department, establishment, or agency may be

## THE BILL

(12) to acquire, by purchase, condemnation, or otherwise, real estate and interests therein.

(b) At the request of any Federal agency or any mixed-ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, the Administration is hereby authorized to operate, maintain, and protect any building owned by the United States (or, in the case of any wholly owned or mixed-ownership Government corporation, by such corporation) and occupied by the agency or instrumentality making such request.

(c) At the request of any Federal agency or any mixed-ownership corporation (as defined in the Government Corporation Control Act), the District of Columbia, the Administrator is hereby authorized (1) to acquire land for buildings and projects authorized by the Congress; (2) to make or cause to be made, under contract or otherwise, surveys and test borings and to prepare plans and specifications for such buildings and projects prior to the approval by the Attorney General of the title to

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authorized to have constructed, including the preparation of plans, drawings, designs, specifications, and estimates, the acquisition of land necessary for sites, the execution of contracts, and supervision of construction: *Provided*, That funds appropriated to other executive departments, independent establishments, or other Federal agencies for the foregoing purposes shall be available for transfer to and expenditure by the General Services Administration in whole or in part, either in reimbursement of the proper appropriations of the General Services Administration, for the cost of such work, or as advances to special accounts for the purpose of providing for the prosecution of said work.

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the sites thereof; and (3) to contract for, and to supervise, the construction and development and the equipping of such buildings or projects. Any sum available to any such Federal agency or instrumentality for any such building or project may be transferred by such agency to the General Services Administration in advance for such purposes as the Administrator shall determine to be necessary, including the payment of salaries and expenses of personnel engaged in the preparation of plans and specifications or in field supervision, and for general office expenses to be incurred in the rendition of any such service.

## REORGANIZATION PLAN NO. 18 OF 1950

SEC. 2. TRANSFER OF OFFICE BUILDING MANAGEMENT FUNCTIONS.—All functions with respect to the operation, maintenance, and custody of office buildings owned by the Government and of office buildings or parts thereof acquired by lease, including those post-office buildings which, as determined by the Director of the Bureau of the Budget, are not used predominantly for post-office purposes, are hereby transferred from the respective agencies in which now vested to the Administrator of General Services, exclusive, however, of all such functions with respect to—

(a) any building located in any foreign country;

(b) any building located on the grounds of any fort, camp, post, arsenal, navy yard, naval training station, air field, proving ground, military supply depot, or school, or of any similar facility, of the Department of Defense, unless and to such extent as a permit for its use by another agency or agencies shall have been issued by the Secretary of Defense or his duly authorized representative;

(c) any building which the Administrator of General Services finds to be a part of a group of buildings which are (1) located in the same vicinity, (2) are utilized wholly or predominantly for the special purposes of the agency having custody thereof, and (3) are not generally suitable for the use of other agencies; and

(d) The Treasury Building, the Bureau of Engraving and Printing Building, the buildings occupied by the National Bureau of Standards,

(d) Whenever the Director of the Bureau of the Budget shall determine such action to be in the interest of economy or efficiency, he shall transfer to the Administrator all functions then vested in any other Federal agency with respect to the operation, maintenance, and custody of any office building owned by the United States or any wholly owned Government corporation, or any office building or part thereof occupied by any Federal agency under any lease, except that no transfer shall be made under this subsection—

(1) of any post-office building unless the Director shall first determine that such building is not used predominantly for post-office purposes, and functions which are transferred hereunder to the Administrator with respect to any post-office building may be delegated by him only to another officer or employee of the General Services Administration or to the Postmaster General;

(2) of any building located in any foreign country;

(3) of any building located on the grounds of any fort, camp, post, arsenal, navy yard, naval training station, airfield, proving ground, military supply depot, or school, or any similar facility of the Department of Defense, unless and to such extent as a permit for its use by another agency or agencies shall have been issued by the Secretary of Defense or his duly authorized representative;

(4) of any building which the Director of the Bureau of the



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and the buildings under the jurisdiction of the regents of the Smithsonian Institution.

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Budget finds to be a part of a group of buildings which are (A) located in the same vicinity, (B) utilized wholly or predominantly for the special purposes of the agency having custody thereof, and (C) not generally suitable for the use of other agencies;

(5) of the Treasury Building, the Bureau of Engraving and Printing Building, the buildings occupied by the National Bureau of Standards, and the buildings under the jurisdiction of the regents of the Smithsonian Institution; or

(6) of the office buildings of the Senate and House of Representatives, the building occupied by the Supreme Court of the United States, the buildings occupied by the Library of Congress and the Columbia Hospital in the District of Columbia, and any other buildings and grounds under the jurisdiction of the Architect of the Capitol.

## MOTOR VEHICLE IDENTIFICATION

*SEC. 211. Under regulations prescribed by the Administrator, every motor vehicle acquired and used for official purposes within the United States, its Territories, or possessions, by any Federal agency or the District of Columbia shall be conspicuously identified by showing thereon either (a) the full name of the department, establishment, corporation, or agency by which it is used and the service in which it is used, or (b) a title descriptive of the service in which it is used if such title readily identifies the department, establishment, corporation, or agency concerned: Provided, That the regulations issued pursuant to this section may provide for exemptions from the requirement of this section when conspicuous identification would interfere with the purpose for which a vehicle is acquired and used.*

## REPORTS TO CONGRESS

**SEC. [210] 212.** The Administrator shall submit a report to the Congress, in January of each year and at such other times as he may deem it desirable, regarding the administration of his functions under this Act, together with such recommendations for amendments to this Act as he may deem appropriate as the result of the administration of such functions, at which time he shall also cite the laws becoming obsolete by reason of passage or operation of the provisions of this Act.

## [WAIVER OF LIQUIDATED DAMAGES]

**[SEC. 306.** Whenever any contract made on behalf of the Government by the agency head or by officers authorized by him so to do includes a provision for liquidated damages for delay, the Comptroller General on the recommendation of the agency head is authorized and empowered to remit the whole or any part of such damages as in his discretion may be just and equitable.]

Section 10 of the bill reads as follows:

*SEC. 10. (a) Whenever any contract made on behalf of the Government by the head of any Federal agency, or by officers authorized by him so to do, includes a provision for liquidated damages for delay, the Comptroller General upon recommendation of such head is authorized and empowered to remit the whole or any part of such damages as in his discretion may be just and equitable.*

*(b) Section 306 of the Federal Property and Administrative Services Act of 1949, is hereby repealed, and this section shall be effective as of July 1, 1949.*



## TITLE V—FEDERAL RECORDS

## SHORT TITLE

SEC. 501. This title may be cited as the "Federal Records Act of 1950".

## CUSTODY AND CONTROL OF PROPERTY

SEC. 502. The Administrator shall have immediate custody and control of the National Archives Building and its contents, and shall have authority to design, construct, purchase, lease, maintain, operate, protect, and improve buildings used by him for the storage of records of Federal agencies in the District of Columbia and elsewhere.

## NATIONAL HISTORICAL PUBLICATIONS COMMISSION

SEC. 503. (a) There is hereby created a National Historical Publications Commission consisting of the Archivist (or an alternate designated by him), who shall be Chairman; the Librarian of Congress (or an alternate designated by him); one Member of the United States Senate to be appointed, for a term of four years, by the President of the Senate; one Member of the House of Representatives to be appointed, for a term of two years, by the Speaker of the House of Representatives; one representative of the judicial branch of the Government to be appointed, for a term of four years, by the Chief Justice of the United States; one representative of the Department of State to be appointed, for a term of four years, by the Secretary of State; one representative of the Department of Defense to be appointed, for a term of four years, by the Secretary of Defense; two members of the American Historical Association to be appointed by the council of the said association, one of whom shall serve an initial term of two years and the other an initial term of three years, but their successors shall be appointed for the terms of four years; and two other members outstanding in the fields of the social or physical sciences to be appointed by the President of the United States, one of whom shall serve an initial term of one year and the other an initial term of three years, but their successors shall be appointed for terms of four years. The Commission shall meet annually and on call of the Chairman.

(b) Any person appointed to fill a vacancy in the membership of the Commission shall be appointed only for the unexpired term of the member whom he shall succeed, and his appointment shall be made in the same manner in which the appointment of his predecessor was made.

(c) The Commission is authorized to appoint, without reference to the Classification Act of 1949 (Public Law 429, 81st Congress, approved October 28, 1949), an executive director and such editorial and clerical staff as the Commission may determine to be necessary. Members of the Commission who represent any branch or agency of the Government shall serve as members of the Commission without additional compensation. All members of the Commission shall be reimbursed for transportation expenses incurred in attending meetings of the Commission, and all such members other than those who represent any branch or agency of the Government of the United States shall receive in lieu of subsistence en route to or from or at the place of such service, for each day actually spent in connection with the performance of their duties as members of such Commission, such sum, not to exceed \$25, as the Commission shall prescribe.

(d) The Commission shall make plans, estimates, and recommendations for such historical works and collections of sources as it deems appropriate for printing or otherwise recording at the public expense. The Commission shall also cooperate with and encourage appropriate Federal, State, and local agencies and nongovernmental institutions, societies, and individuals in collecting and preserving and, when it deems such action to be desirable, in editing and publishing the papers of outstanding citizens of the United States and such other documents as may be important for an understanding and appreciation of the history of the United States. The Chairman of the Commission shall transmit to the Administrator from time to time, and at least once annually, such plans, estimates, and recommendations as have been approved by the Commission.

## FEDERAL RECORDS COUNCIL

SEC. 504. The Administrator shall establish a Federal Records Council, and shall advise and consult with the Council with a view to obtaining its advice and assistance in carrying out the purposes of this title. The Council shall include representatives of the legislative, judicial, and executive branches of the Government in such number as the Administrator shall determine, but such Council shall include at least four representatives of the legislative branch, at least two representatives of the judicial

branch, and at least six representatives of the executive branch. Members of the Council representing the legislative branch shall be designated, in equal number, by the President of the Senate and the Speaker of the House of Representatives, respectively. Members of the Council representing the judicial branch shall be designated by the Chief Justice of the United States. The Administrator is authorized to designate from persons named by the head of any executive agency concerned, not more than one representative from such agency to serve as a member of the Council. Members of the Council shall serve without compensation, but shall be reimbursed for all necessary expenses actually incurred in the performance of their duties as members of the Council. The Council shall elect a chairman from among its own membership, and shall meet at least once annually.

#### RECORDS MANAGEMENT; THE ADMINISTRATOR

SEC. 505. (a) The Administrator shall make provisions for the economical and efficient management of records of Federal agencies (1) by analyzing, developing, promoting, and coordinating standards, procedures, and techniques designed to improve the management of records, to insure the maintenance and security of records deemed appropriate for preservation, and to facilitate the segregation and disposal of records of temporary value, and (2) by promoting the efficient and economical utilization of space, equipment, and supplies needed for the purpose of creating, maintaining, storing, and servicing records.

(b) The Administrator shall establish standards for the selective retention of records of continuing value, and assist Federal agencies in applying such standards to records in their custody; and he shall notify the head of any Federal agency of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of such agency that shall come to his attention, and assist the head of such agency in initiating action through the Attorney General for the recovery of such records as shall have been unlawfully removed and for such other redress as may be provided by law.

(c) The Administrator is authorized to inspect or survey personally or by deputy the records of any Federal agency, as well as to make surveys of records management and records disposal practices in such agencies, and shall be given the full cooperation of officials and employees of agencies in such inspections and surveys: Provided, That records, the use of which is restricted by or pursuant to law or for reasons of national security or the public interest, shall be inspected or surveyed in accordance with regulations promulgated by the Administrator, subject to the approval of the head of the custodial agency.

(d) The Administrator is authorized to establish, maintain, and operate records centers for the storage, processing, and servicing of records for Federal agencies pending their deposit with the National Archives of the United States or their disposition in any other manner authorized by law; and to establish, maintain, and operate centralized microfilming services for Federal agencies.

(e) Subject to applicable provisions of law, the Administrator shall promulgate regulations governing the transfer of records from the custody of one executive agency to that of another.

(f) The Administrator may empower any Federal agency, upon the submission of evidence of need therefor, to retain records for a longer period than that specified in disposal schedules approved by Congress, and, in accordance with regulations promulgated by him, may withdraw disposal authorizations covering records listed in disposal schedules approved by Congress.

#### RECORDS MANAGEMENT; AGENCY HEADS

SEC. 506. (a) The head of each Federal agency shall cause to be made and preserved records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities.

(b) The head of each Federal agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency. Such program shall, among other things, provide for (1) effective controls over the creation, maintenance, and use of records in the conduct of current business; (2) cooperation with the Administrator in applying standards, procedures, and techniques designed to improve the management of records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records of temporary value; and (3) compliance with the provisions of this title and the regulations issued thereunder.



(c) Whenever the head of a Federal agency determines that substantial economies or increased operating efficiency can be effected thereby, he shall provide for the storage, processing, and servicing of records that are appropriate therefor in a records center maintained and operated by the Administrator or, when approved by the Administrator, in such a center maintained and operated by the head of such Federal agency.

(d) Any official of the Government who is authorized to certify to facts on the basis of records in his custody, is hereby authorized to certify to facts on the basis of records that have been transferred by him or his predecessors to the Administrator.

(e) The head of each Federal agency shall establish such safeguards against the removal or loss of records as he shall determine to be necessary and as may be required by regulations of the Administrator. Such safeguards shall include making it known to all officials and employees of the agency (1) that no records in the custody of the agency are to be alienated or destroyed except in accordance with the provisions of the Act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434), and (2) the penalties provided by law for the unlawful removal or destruction of records.

(f) The head of each Federal agency shall notify the Administrator of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency of which he is the head that shall come to his attention, and with the assistance of the Administrator shall initiate action through the Attorney General for the recovery of records he knows or has reason to believe have been unlawfully removed from his agency, or from any other Federal agency whose records have been transferred to his legal custody.

(g) Nothing in this title shall be construed as limiting the authority of the Comptroller General of the United States with respect to prescribing accounting systems, forms, and procedures, or lessening the responsibility of collecting and disbursing officers for rendition of their accounts for settlement by the General Accounting Office.

#### ARCHIVAL ADMINISTRATION

SEC. 507. (a) The Administrator, whenever it appears to him to be in the public interest, is hereby authorized—

(1) to accept for deposit with the National Archives of the United States the records of any Federal agency or of the Congress of the United States that are determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government;

(2) to direct and effect, with the approval of the head of the originating agency (or if the existence of such agency shall have been terminated, then with the approval of his successor in function, if any), the transfer of records deposited (or approved for deposit) with the National Archives of the United States to public or educational institutions or associations: Provided, That the title to such records shall remain vested in the United States unless otherwise authorized by Congress; and

(3) to direct and effect the transfer of materials from private sources authorized to be received by the Administrator by the provisions of subsection (e) of this section.

(b) The Administrator shall be responsible for the custody, use, and withdrawal of records transferred to him: Provided, That whenever any records the use of which is subject to statutory limitations and restrictions are so transferred, permissive and restrictive statutory provisions with respect to the examination and use of such records applicable to the head of the agency from which the records were transferred or to employees of that agency shall thereafter likewise be applicable to the Administrator, the Archivist, and to the employees of the General Services Administration, respectively: Provided further, That whenever the head of any agency shall specify in writing restrictions that appear to him to be necessary or desirable in the public interest, on the use or examination of records being considered for transfer from his custody to the Administrator, the Administrator shall impose such restrictions on the records so transferred, and shall not remove or relax such restrictions without the concurrence in writing of the head of the agency from which the material shall have been transferred (or if the existence of such agency shall have been terminated, then he shall not remove or relax such restrictions without the concurrence of the successor in function, if any, of such agency head): Provided, however, That statutory and other restrictions referred to in the provisos of this subsection shall not remain in force or effect after the records have been in existence for fifty years unless the Administrator by order shall determine with respect to specific bodies of records that such restrictions shall remain in force and effect for a longer period: And provided further, That restrictions on the use or examination of records deposited with the National Archives of the United States heretofore imposed and now in force and effect under the terms of section 3 of the National

*Archives Act, approved June 19, 1934, shall continue in force and effect regardless of the expiration of the tenure of office of the official who imposed them but may be removed or relaxed by the Administrator with the concurrence in writing of the head of the agency from which material has been transferred (or if the existence of such agency shall have been terminated, then with the concurrence in writing of his successor in function, if any).*

(c) *The Administrator shall make provisions for the preservation, arrangement, repair and rehabilitation, duplication and reproduction (including microcopy publications), description, and exhibition of records transferred to him as may be needful or appropriate, including the preparation and publication of inventories, indexes, catalogs, and other finding aids or guides facilitating their use; and, when approved by the National Historical Publications Commission, he may also publish such historical works and collections of sources as seem appropriate for printing or otherwise recording at the public expense.*

(d) *The Administrator shall make such provisions and maintain such facilities as he deems necessary or desirable for servicing records in his custody that are not exempt from examination by statutory provisions or other restrictions.*

(e) *The Administrator may accept for deposit—*

*(1) the personal papers and other personal historical documentary materials of the present President of the United States, his successors, heads of executive departments, and such other officials of the Government as the President may designate, offered for deposit under restrictions respecting their use specified in writing by the prospective depositors: Provided, That restrictions so specified on such materials, or any portions thereof, accepted by the Administrator for such deposit shall have force and effect during the lifetime of the depositor or for a period not to exceed twenty-five years, whichever is longer, unless sooner terminated in writing by the depositor or his legal heirs: And provided further, That the Archivist determines that the materials accepted for such deposit will have continuing historical or other values;*

*(2) motion-picture films, still pictures, and sound recordings from private sources that are appropriate for preservation by the Government as evidence of its organization, functions, policies, decisions, procedures, and transactions.*

*Title to materials so deposited under this subsection shall pass to and vest in the United States.*

*(f) The Administrator is hereby authorized to make and preserve motion-picture films, still pictures, and sound recordings pertaining to and illustrative of the historical development of the United States Government and its activities, and to make provisions for preparing, editing, titling, scoring, processing, duplicating, reproducing, exhibiting, and releasing for nonprofit educational purposes motion-picture films, still pictures, and sound recordings in his custody.*

#### REPORTS

*SEC. 508. (a) The Administrator is hereby authorized whenever he deems it necessary to obtain reports from Federal agencies on their activities under the provisions of this title and the Act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434).*

*(b) The Administrator shall, whenever he finds that any provisions of this title have been or are being violated, inform in writing the head of the agency concerned of such violations and make recommendations regarding means of correcting them. Unless corrective measures satisfactory to the Administrator are inaugurated within a reasonable time, the Administrator shall submit a written report thereon to the President and the Congress.*

#### LEGAL STATUS OF REPRODUCTION

*SEC. 509. (a) Whenever any records that are required by statute to be retained indefinitely have been reproduced by photographic, microphotographic, or other processes, in accordance with standards established by the Administrator, the indefinite retention of such photographic, microphotographic, or other reproductions will be deemed to constitute compliance with the statutory requirement for the indefinite retention of such original records. Such reproductions, as well as reproductions made in compliance with regulations promulgated to carry out this title, shall have the same legal status as the originals thereof.*

*(b) There shall be an official seal for the National Archives of the United States which shall be judicially noticed. When any copy or reproduction, furnished under the terms hereof, is authenticated by such official seal and certified by the Administrator, such copy or reproduction shall be admitted in evidence equally with the original from which it was made.*



(c) *The Administrator may charge a fee not in excess of 10 per centum above the costs or expenses for making or authenticating copies or reproductions of materials transferred to his custody. All such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund provided for in section 5 of the Act approved July 9, 1941. There shall be no charge for making or authenticating copies or reproductions of such materials for official use by the United States Government: Provided, That reimbursement may be accepted to cover the cost of furnishing such copies or reproductions that could not otherwise be furnished.*

#### LIMITATION ON LIABILITY

SEC. 510. *With respect to letters and other intellectual productions (exclusive of material copyrighted or patented) after they come into the custody or possession of the Administrator, neither the United States nor its agents shall be liable for any infringement of literary property rights or analogous rights arising thereafter out of use of such materials for display, inspection, research, reproduction, or other purposes.*

#### DEFINITIONS

SEC. 511. *When used in this title—*

(a) *The term "records" shall have the meaning given to such term by section 1 of the Act entitled "An Act to provide for the disposal of certain records of the United States Government", approved July 7, 1943 (57 Stat. 380, as amended; 44 U. S. C. 366);*

(b) *The term "records center" means an establishment maintained by the Administrator or by a Federal agency primarily for the storage, servicing, security, and processing of records that must be preserved for varying periods of time and need not be retained in office equipment and space;*

(c) *The term "servicing" means making available for use information in records and other materials in the custody of the Administrator—*

(1) *by furnishing such records or other materials, or information from such records or other materials, or copies or reproductions thereof to agencies of the Government for official use and to the public; and*

(2) *by making and furnishing authenticated or unauthenticated copies or reproductions of such records and other materials;*

(d) *The term "National Archives of the United States" means those official records that have been determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government, and have been accepted by the Administrator for deposit in his custody;*

(e) *The term "unauthenticated copies" means exact copies or reproductions of records or other materials that are not certified as such under seal and that need not be legally accepted as evidence; and*

(f) *The term "Archivist" means the Archivist of the United States.*

### TITLE [V] VI—GENERAL PROVISIONS

#### APPLICABILITY OF EXISTING PROCEDURES

SEC. [501] 601.—All policies, procedures, and directives prescribed—

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#### REPEAL AND SAVING PROVISION

SEC. [502] 602. (a) There are hereby repealed—

\* \* \* \* \*

(30) *the Act of February 27, 1929 (45 Stat. 1341; 41 U. S. C. 7a, 7b, 7c, and 7d); [and]*

(31) *section 1 of the Act of May 14, 1935 (49 Stat. 234; 41 U. S. C. 7c-1 [.] ;*

(32) *the Act entitled "An Act to establish a National Archives of the United States Government, and for other purposes," approved June 19, 1934 (48 Stat. 1122-1124, as amended; 44 U. S. C. 300, 300a, 300c-k); and*

(33) *section 4 of the Act of February 3, 1905 (33 Stat. 687, as amended; 5 U. S. C. 77).*

(b) *There are hereby superseded—*

(1) *[The] provisions of the first, third, and fifth paragraphs of section 1 of Executive Order Numbered 6166 of June 10, 1933, [are hereby superseded] insofar as they relate to any function now administered by the Bureau of*

Federal Supply except functions with respect to standard contract forms [.] and

(2) sections 2 and 4 of the Act entitled "An Act to provide for the disposal of certain records of the United States Government," approved July 7, 1943 (57 Stat. 380-383, as amended; 44 U. S. C. 367 and 369), to the extent that the provisions thereof are inconsistent with the provisions of title V of this Act.

(c) The authority conferred by this Act shall be [is] in addition and paramount to any authority conferred by any other law and shall not be subject to the provisions of any law inconsistent herewith, except that sections 205 (b) and 206 (c) of this Act shall not be applicable to any Government corporation or agency which is subject to the Government Corporation Control Act (59 Stat. 597; 31 U. S. C. 841).

(d) Nothing in this Act shall impair or affect any authority of—

\* \* \* \* \*

(17) the Central Intelligence Agency;

[(18) except as provided in subsections (a) and (b) hereof, any other law relating to the procurement, utilization, or disposal of property: Provided, That, subject to, and within the scope of authority conferred on the Administrator by other provisions of this Act, he is authorized to prescribe regulations to govern any procurement, utilization, or disposal of property under any such law, whenever but only to the extent he deems such action necessary to effectuate the provisions of title II; nor]

(18) the Joint Committee on Printing, under the Act entitled "An Act providing for the public printing and binding and the distribution of public documents" approved January 12, 1895 (28 Stat. 601), as amended, or any other Act; or

(19) for such period of time as the President may specify, any other authority of any executive agency which the President determines within one year after the effective date of this Act should, in the public interest, stand unimpaired by this Act.

SEC. 602. (e) No provision of this Act as originally enacted or as herein amended shall apply to the Senate or the House of Representatives (including the Architect of the Capitol and any building, activity, or function under his direction), but any of the services and facilities authorized by this Act to be rendered or furnished shall, as far as practicable, be made available to the Senate, the House of Representatives, or the Architect of the Capitol, upon their request, and, if payment would be required for the rendition or furnishing of a similar service or facility to an executive agency, payment therefor shall be made by the recipient thereof, upon presentation of proper vouchers, in advance or by reimbursement (as may be agreed upon by the Administrator and the officer or body making such request). Such payment may be credited to the applicable appropriation of the executive agency receiving such payment.

SEC. 602. [(e)] (f) Section 3709, Revised Statutes, as amended (41 U. S. C. 5), is amended by striking out "\$100" wherever it appears therein and inserting in lieu thereof "\$500".

#### AUTHORIZATIONS FOR APPROPRIATIONS AND TRANSFER AUTHORITY

SEC. [503] 603. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act [.] , including payment in advance, when authorized by the Administrator, for library memberships in societies whose publications are available to members only, or to members at a price lower than that charged to the general public.

(b) When authorized by the Director of the Bureau of the Budget, any Federal agency may use, for the disposition of property under this Act, and for its care and handling pending such disposition, any funds heretofore or hereafter appropriated, allocated, or available to it for purposes similar to those provided for in sections 201, 202, 203, and 205 of this Act.

#### SEPARABILITY

SEC. [504] 604. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

#### EFFECTIVE DATE

SEC. [505] 605. This Act shall become effective on July 1, 1949, except that the provisions of section [502] 602 (a) (2) (repealing prior law relating to the

disposition of the affairs of the War Assets Administration) shall become effective on June 30, 1949.

Section 11 of the bill reads as follows:

*SEC. 11. All laws or parts of law in conflict with the amendments made by this Act are, to the extent of such conflict, hereby repealed.*

THE NATIONAL ARCHIVES ACT, APPROVED JUNE 19, 1934, AS AMENDED (44 U. S. C. 300, 300a, 300c-K)

[There is hereby created the Office of the Archivist of the United States, the Archivist to be appointed by the President of the United States, by and with the advice and consent of the Senate.]

[SEC. 2. The salary of the Archivist shall be \$10,000 annually. All persons to be employed in the National Archives Establishment shall be appointed by the Archivist solely with reference to their fitness for their particular duties and without regard to civil service law; and the Archivist shall make rules and regulations for the government of the National Archives; but any official or employee with the salary of \$5,000 or over shall be appointed by the President by and with the consent of the Senate.]

[SEC. 3. All archives or records belonging to the Government of the United States (legislative, executive, judicial, and other) shall be under the charge and superintendence of the Archivist to this extent: He shall have full power] (Sec. 505. (c)) *The Administrator is authorized to inspect or survey personally or by deputy the records of any Federal agency [of the United States Government whatsoever and wheresoever located], as well as to make surveys of records management and records disposal practices in such agencies, and shall [have] be given the full cooperation of [any and all persons in charge of such records] officials and employees of agencies in such inspections [,] and surveys; Provided, That records, the use of which is restricted by or pursuant to law or for reasons of national security or the public interest, shall be inspected or surveyed in accordance with regulations promulgated by the Administrator, subject to the approval of the head of the custodial agency. [and to requisition for transfer to the National Archives Establishment such archives, or records as the National Archives Council, hereafter provided shall approve for such transfer,]* (Sec. 507. (a)) *The Administrator, whenever it appears to him to be in the public interest, is hereby authorized—*

(1) *to accept for deposit with the National Archives of the United States the records of any Federal agency or of the Congress of the United States that are determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government;*

(2) *to direct and effect, with the approval of the head of the originating agency (or if the existence of such agency shall have been terminated, then with the approval of its successor in function, if any), the transfer of records deposited (or approved for deposit) with the National Archives of the United States to public or educational institutions or associations: Provided, That the title to such records shall remain vested in the United States unless otherwise authorized by Congress; and*

(3) *to direct and effect the transfer of materials from private sources authorized to be received by the Administrator by the provisions of subsection (e) of this section. (SEC. 507. (e)) The Administrator may accept for deposit—*

(1) *the personal papers and other personal historical documentary materials of the present President of the United States, his successors, heads of executive departments, and such other officials of the Government as the President may designate, offered for deposit under restrictions respecting their use specified in writing by the prospective depositors: Provided, That restrictions so specified on such materials, or any portions thereof, accepted by the Administrator for such*

<sup>1</sup> Some of the provisions of this section have been superseded by the following provision in the Independent Offices Appropriation Act, 1939, approved May 23, 1938 (52 Stat. 421): "Provided further, That six months after the date of approval of this Act, notwithstanding any provisions to the contrary in section 2 of The National Archives Act, approved June 19, 1934, and section 1 of the Federal Register Act, approved July 26, 1935, all persons employed in The National Archives establishment under section 2 of the National Archives Act and section 1 of the Federal Register Act shall be appointed by the Archivist in accordance with the civil-service laws and the Classification Act of 1923, as amended: And provided further, That all persons employed under section 2 of The National Archives Act and section 1 of the Federal Register Act in said establishment six months after the date of approval of this Act, regardless of the method by which they were appointed, who do not have a competitive classified civil-service status shall acquire such a status (1) upon recommendation by the Archivist and certification by him to the Civil Service Commission that such persons have rendered satisfactory service in said establishment for not less than six months and (2) upon passing such suitable noncompetitive tests as the Civil Service Commission shall prescribe."



deposit shall have force and effect during the lifetime of the depositor or for a period not to exceed twenty-five years, whichever is longer, unless sooner terminated in writing by the depositor or his legal heirs: And provided further, That the Archivist determines that the materials accepted for such deposit will have continuing historical or other values; [and he shall have authority to make regulations for the arrangement,] (Sec. 507. (b) *The Administrator shall be responsible for the custody, use, and withdrawal of [material deposited in the National Archives Building] records transferred to him: Provided further, That whenever the head of any agency shall specify in writing restrictions that appear to him to be necessary or desirable in the public interest, on the use or examination of records being considered for transfer from his custody to [that of] the [Archivist] Administrator [that appear to him to be necessary or desirable in the public interest,] the [Archivist] Administrator shall impose such restrictions on [such of] the records [as are] so transferred, [to his custody;] and [restrictions so imposed] shall not [be removed or relaxed by the Archivist] remove or relax such restrictions without the concurrence in writing of the head of the agency from which the material shall have been transferred [unless] (or if the existence of [that] such agency shall have been terminated [;], then he shall not remove or relax such restrictions without the concurrence of the successor in function, if any, of such agency head): Provided, however, That statutory and other restrictions referred to in the provisos of this subsection shall not remain in force or effect after the records have been in existence for fifty years unless the Administrator by order shall determine with respect to specific bodies of records that such restrictions shall remain in force and effect for a longer period: And provided further, That restrictions on the use or examination of records [in the custody of the Archivist] deposited with the National Archives of the United States heretofore imposed and now in force and effect under the terms of section 3 of the National Archives Act, approved June 19, 1934, shall continue in force and effect regardless of the expiration of the tenure of office of the official who imposed them but may be removed or relaxed by the [Archivist] Administrator with the concurrence in writing of the head of the agency from which [the] material has been transferred [or by the Archivist alone] (or if the existence of [that] such agency shall have been terminated [;], then with the concurrence in writing of his successor in function, if any).*

[SEC. 4. The] (Sec. 502.) *The Administrator shall have immediate custody and control of the National Archives Building [and such other buildings, grounds, and equipment as may from time to time become a part of the National Archives Establishment (except as the same is vested by law in the Director of National Buildings, Parks, and Reservations)] and [their] its contents, [shall be vested in the Archivist of the United States.] and shall have authority to design, construct, purchase, lease, maintain, operate, protect, and improve buildings used by him for the storage of records of Federal agencies in the District of Columbia and elsewhere.*

[SEC. 5. That] (Sec. 503. (a)) There is hereby created [also] a National Historical Publications Commission [which] (Sec. 503. (d)) *The Commission shall make plans, estimates, and recommendations for such historical works and collections of sources as [seem] it deems appropriate for [publication and/or] printing or otherwise recording at the public expense[;]. The Commission shall also cooperate with and encourage appropriate Federal, State, and local agencies and nongovernmental institutions, societies, and individuals in collecting and preserving and, when it deems such action to be desirable, in editing and publishing the papers of outstanding citizens of the United States and such other documents as may be important for an understanding and appreciation of the history of the United States. The Chairman of the Commission shall transmit to the Administrator from time to time and at least once annually, such plans, estimates, and recommendations as have been approved by the Commission. [said Commission to consist of the Archivist of the United States, who shall be its chairman; the historical adviser of the Department of State; the chief of the historical section of the War Department, General Staff; the superintendent of Naval records in the Navy Department; the Chief of the Division of Manuscripts in the Library of Congress; and two members of the American Historical Association appointed by the president thereof from among those persons who are or have been members of the executive council of the said association: Provided, That the preparation and publication of annual and special reports on the archives and records of the Government, guides, inventory lists, catalogs, and other instruments facilitating the use of the collections shall have precedence over detailed calendars and textual reproductions. This Commission shall meet at least once a year, and the members shall serve without compensation except repayment of expenses actually incurred in attending*



meeting of the Commission.] (Sec. 503. (a)) consisting of the Archivist (or an alternate designated by him), who shall be chairman; the Librarian of Congress (or an alternate designated by him); one Member of the United States Senate to be appointed, for a term of four years, by the President of the Senate; one Member of the House of Representatives to be appointed, for a term of two years, by the Speaker of the House of Representatives; one representative of the judicial branch of the Government to be appointed, for a term of four years, by the Chief Justice of the United States; one representative of the Department of State to be appointed, for a term of four years, by the Secretary of State; one representative of the Department of Defense to be appointed, for a term of four years, by the Secretary of Defense; two members of the American Historical Association to be appointed by the council of the said association, one of whom shall serve an initial term of two years and the other an initial term of three years, but their successors shall be appointed for terms of four years; and two other members outstanding in the fields of the social or physical sciences to be appointed by the President of the United States, one of whom shall serve an initial term of one year and the other an initial term of three years, but their successors shall be appointed for terms of four years. The Commission shall meet annually and on call of the Chairman.

(b) Any person appointed to fill a vacancy in the membership of the Commission shall be appointed only for the unexpired term of the member whom he shall succeed, and his appointment shall be made in the same manner in which the appointment of his predecessor was made.

(c) The Commission is authorized to appoint, without reference to the Classification Act of 1949 (Public Law 429, 81st Congress, approved October 28, 1949), an executive director and such editorial and clerical staff as the Commission may determine to be necessary. Members of the Commission who represent any branch or agency of the Government shall serve as members of the Commission without additional compensation. All members of the Commission shall be reimbursed for transportation expenses incurred in attending meetings of the Commission, and all such members other than those who represent any branch or agency of the Government of the United States shall receive in lieu of subsistence en route to or from or at the place of such service, for each day actually spent in connection with the performance of their duties as members of such Commission, such sum, not to exceed \$25, as the Commission shall prescribe.

[SEC. 6. That there is hereby further created a National Archives Council composed of the Secretaries of each of the executive departments of the Government (or an alternate from each department to be named by the Secretary thereof), the Chairman of the Senate Committee on the Library, the Chairman of the House Committee on the Library, the Librarian of Congress, the Secretary of the Smithsonian Institution, and the Archivist of the United States. The said Council shall define the classes of material which shall be transferred to the National Archives Building and establish regulations governing such transfer; and shall have power to advise the Archivist in respect to regulations governing the disposition and use of the archives and records transferred to his custody.] (Sec. 504.) The Administrator shall establish a Federal Records Council, and shall advise and consult with the Council with a view to obtaining its advice and assistance in carrying out the purposes of this title. The Council shall include representatives of the legislative, judicial, and executive branches of the Government in such number as the Administrator shall determine, but such Council shall include at least four representatives of the legislative branch, at least two representatives of the judicial branch, and at least six representatives of the executive branch. Members of the Council representing the legislative branch shall be designated, in equal number, by the President of the Senate and the Speaker of the House of Representatives, respectively. Members of the Council representing the judicial branch shall be designated by the Chief Justice of the United States. The Administrator is authorized to designate from persons named by the head of any executive agency concerned, not more than one representative from such agency to serve as a member of the Council. Members of the Council shall serve without compensation, but shall be reimbursed for all necessary expenses actually incurred in the performance of their duties as members of the Council. The Council shall elect its chairman, and shall meet at least once annually.

[SEC. 6a.] (Sec. 507 (b)) \* \* \* Provided, That whenever any records the use of which is subject to statutory limitations and restrictions are so transferred, [to the custody of the Archivist of the United States,] permissive and restrictive statutory provisions with respect to the examination and use of such records applicable to the head of the agency [having custody of them] from which the records were transferred or to employees of that agency shall thereafter likewise be applicable to the Administrator, the Archivist, [of the United States] and to

the employees of the [National Archives Establishment] *General Services Administration*, respectively [.] :

\* [SEC. 7. The National Archives may also accept, store, and preserve] (sec. 507 (e)) *The Administrator may accept for deposit \* \* \* (2) motion picture films, still pictures, and sound recordings from private sources [pertaining to and illustrative of historical activities of the United States, and in connection therewith maintain a projecting room for showing such films and reproducing such sound recordings for historical purposes and study.] that are appropriate for preservation by the Government as evidence of its organization, functions, policies, decisions, procedures, and transactions. Title to materials so deposited under this subsection shall pass to and vest in the United States.*

[SEC. 8. That the National Archives shall have an official seal which will be judicially noticed.

[The Archivist of the United States may make or reproduce and furnish authenticated or unauthenticated copies of any of the documentary, photographic or other archives or records in his custody that are not exempt from examination as confidential or protected by subsisting copyright, and may charge therefor a fee sufficient to cover the cost or expenses thereof. All such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund created by section 5 of the National Archives Trust Fund Board Act. There shall be no charge for the making or authentication of such copies or reproductions furnished to any department or other agency of the Government for official use. When any such copy or reproduction furnished under the terms hereof is authenticated by the official seal of The National Archives and certified by the Archivist of the United States, or in his name attested by the head of any office or the chief of any division of the National Archives designated by the Archivist with such authority, it shall be admitted in evidence equally with the original from which it was made.] SEC. 509. (b) *There shall be an official seal for the National Archives of the United States which shall be judicially noticed. When any copy or reproduction, furnished under the terms hereof, is authenticated by such official seal and certified by the Administrator, such copy or reproduction shall be admitted in evidence equally with the original from which it was made.*

(c) *The Administrator may charge a fee not in excess of 10 per centum above the costs or expenses for making or authenticating copies or reproductions of materials transferred to his custody. All such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund provided for in section 5 of the Act approved July 9, 1941. There shall be no charge for making or authenticating copies or reproductions of such materials for official use by the United States Government: Provided, That reimbursement may be accepted to cover the cost of furnishing such copies or reproductions that could not otherwise be furnished.*

[SEC. 8a.] SEC. 506. (d) Any official of the [United States] Government who is authorized [to make certifications or determinations] to certify to facts on the basis of records in his custody, is hereby authorized to [make certifications or determinations] certify to facts on the basis of records that have been transferred by him or his predecessors to the [custody of the Archivist of the United States] Administrator.

[SEC. 9. That the Archivist shall make to Congress, at the beginning of each regular session, a report for the preceding fiscal year as to the National Archives, the said report including a detailed statement of all accessions and of all receipts and expenditures on account of the said establishment. He shall also transmit to Congress the recommendations of the Commission on National Historical Publications, and, on January 1 of each year, with the approval of the Council, a list or description of the papers, documents, and so forth (among the archives and records of the Government), which appear to have no permanent value or historical interest, and which, with the concurrence of the Government agency concerned, and subject to the approval of Congress, shall be destroyed or otherwise effectively disposed of.]

[SEC. 10. That there are hereby authorized such appropriations as may be necessary for the maintenance of the National Archives Building and the administration of the collections, the expenses, and work of the Commission on National Historical Publications, the supply of necessary equipment and expenses incidental to the operations aforesaid, including transfer of records to the Archives Building; printing and binding; personal services in the District of Columbia and elsewhere; travel and subsistence and per diem in lieu of subsistence, notwithstanding the provisions of any other Acts; stenographic services by contract or otherwise as may be deemed necessary; purchases and exchange of books and maps;] (Sec. 7. (g)) *striking out the period at the end of section 603 (a) thereof and inserting in lieu*



thereof a comma and the following: "including payment in advance, when authorized by the [Archivist] Administrator, for library memberships in societies whose publications are available to members only or to members at a price lower than that charged to the general public[;] . [Purchase, exchange, and operation of motor vehicles; and all absolutely necessary contingent expenses, all to be expended under the direction of the Archivist, who shall annually submit to Congress estimates therefor in the manner prescribed by law.]

[Sec. 11. All Acts or parts of Acts relating to the charge and superintendency, custody, preservation, and disposition of official papers and documents of executive departments and other governmental agencies inconsistent with the provisions of this Act are hereby repealed.]

Sec. 6. *The Federal Property and Administrative Services Act of 1949 is amended by—*

(a) redesignating "title V" of such Act as "title VI" thereof, and "title V" wherever it appears therein, is amended to read "title VI";

(b) redesignating sections 501–505, inclusive, of such Act, respectively, as sections 601–605, inclusive, thereof, and wherever any such section number appears in such Act as originally enacted, it is amended to conform in numbering to the redesignation prescribed by this subsection;

(c) inserting at the proper place in the table of contents to such Act the following:

#### TITLE V—FEDERAL RECORDS

"Sec. 501. *Short title.*

"Sec. 502. *Custody and control of property.*

"Sec. 503. *National Historical Publications Commission.*

"Sec. 504. *Federal Records Council.*

"Sec. 505. *Records management; the Administrator.*

"Sec. 506. *Records management; agency heads.*

"Sec. 507. *Archival administration.*

"Sec. 508. *Reports.*

"Sec. 509. *Legal status of reproductions.*

"Sec. 510. *Limitation on liability.*

"Sec. 511. *Definitions.*"

(d) inserting, immediately following title IV thereof, the following new title:

#### "TITLE V—FEDERAL RECORDS

##### "SHORT TITLE

"SEC. 501. This title may be cited as the 'Federal Records Act of 1950'.

##### "RECORDS MANAGEMENT: THE ADMINISTRATOR

"SEC. 505. (a) The Administrator shall make provisions for the economical and efficient management of records of Federal agencies (1) by analyzing, developing, promoting, and coordinating standards, procedures, and techniques designed to improve the management of records, to insure the maintenance and security of records deemed appropriate for preservation, and to facilitate the segregation and disposal of records of temporary value, and (2) by promoting the efficient and economical utilization of space, equipment, and supplies needed for the purpose of creating, maintaining, storing, and servicing records.

"(b) The Administrator shall establish standards for the selective retention of records of continuing value, and assist Federal agencies in applying such standards to records in their custody; and he shall notify the head of any Federal agency of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of such agency that shall come to his attention, and assist the head of such agency in initiating action through the Attorney General for the recovery of such records as shall have been unlawfully removed and for such other redress as may be provided by law.

"(d) The Administrator is authorized to establish, maintain, and operate records centers for the storage, processing, and servicing of records for Federal agencies pending their deposit with the National Archives of the United States or their disposition in any other manner authorized by law; and to establish, maintain, and operate centralized microfilming services for Federal agencies.

"(e) Subject to applicable provisions of law, the Administrator shall promulgate regulations governing the transfer of records from the custody of one executive agency to that of another.

"(f) The Administrator may empower any Federal agency, upon the submission of evidence of need therefor, to retain records for a longer period than that specified in disposal schedules approved by Congress, and, in accordance with regulations

*promulgated by him, may withdraw disposal authorizations covering records listed in disposal schedules approved by Congress.*

#### "RECORDS MANAGEMENT; AGENCY HEADS

"SEC. 506 (a) *The head of each Federal agency shall cause to be made and preserved records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities.*

"(b) *The head of each Federal agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency. Such program shall, among other things, provide for (1) effective controls over the creation, maintenance, and use of records in the conduct of current business; (2) cooperation with the Administrator in applying standards, procedures, and techniques designed to improve the management of records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records of temporary value; and (3) compliance with the provisions of this title and the regulations issued thereunder.*

"(c) *Whenever the head of a Federal agency determines that substantial economies or increased operating efficiency can be effected thereby, he shall provide for the storage, processing, and servicing of records that are appropriate therefor in a records center maintained and operated by the Administrator or, when approved by the Administrator, in such a center maintained and operated by the head of such Federal agency.*

"(e) *The head of each Federal agency shall establish such safeguards against the removal or loss of records as he shall determine to be necessary and as may be required by regulations of the Administrator. Such safeguards shall include making it known to all officials and employees of the agency (1) that no records in the custody of the agency are to be alienated or destroyed except in accordance with the provisions of the Act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434), and (2) the penalties provided by law for the unlawful removal or destruction of records.*

"(f) *The head of each Federal agency shall notify the Administrator of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency of which he is the head that shall come to his attention, and with the assistance of the Administrator shall initiate action through the Attorney General for the recovery of records he knows or has reason to believe have been unlawfully removed from his agency, or from any other Federal agency whose records have been transferred to his legal custody.*

"(g) *Nothing in this title shall be construed as limiting the authority of the Comptroller General of the United States with respect to prescribing accounting systems, forms, and procedures, or lessening the responsibility of collecting and disbursing officers for rendition of their accounts for settlement by the General Accounting Office.*

"SEC. 507. (c) *The Administrator shall make provisions for the preservation, arrangement, repair and rehabilitation, duplication and reproduction (including microcopy publications), description, and exhibition of records transferred to him as may be needful or appropriate, including the preparation and publication of inventories, indexes, catalogs, and other finding aids or guides facilitating their use; and, when approved by the National Historical Publications Commission, he may also publish such historical works and collections of sources as seem appropriate for printing or otherwise recording at the public expense.*

"(d) *The Administrator shall make such provisions and maintain such facilities as he deems necessary or desirable for servicing records in his custody that are not exempt from examination by statutory provisions or other restrictions.*

"(f) *The Administrator is hereby authorized to make and preserve motion-picture films, still pictures, and sound recordings pertaining to and illustrative of the historical development of the United States Government and its activities, and to make provisions for preparing, editing, tilling, scoring, processing, duplicating, reproducing, exhibiting, and releasing for nonprofit educational purposes motion-picture films, still pictures, and sound recordings in his custody.*

#### "REPORTS

"SEC. 508. (a) *The Administrator is hereby authorized whenever he deems it necessary to obtain reports from Federal agencies on their activities under the provisions of this title and the Act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434).*



"(b) The Administrator shall, whenever he finds that any provisions of this title have been or are being violated, inform in writing the head of the agency concerned of such violations; and make recommendations regarding means of correcting them. Unless corrective measures satisfactory to the Administrator are inaugurated within a reasonable time, the Administrator shall submit a written report thereon to the President and the Congress.

#### "LEGAL STATUS OF REPRODUCTIONS

"SEC. 509. (a) Whenever any records that are required by statute to be retained indefinitely have been reproduced by photographic, microphotographic, or other processes, in accordance with standards established by the Administrator, the indefinite retention of such photographic, microphotographic, or other reproductions will be deemed to constitute compliance with the statutory requirement for the indefinite retention of such original records. Such reproductions, as well as reproductions made in compliance with regulations promulgated to carry out this title, shall have the same legal status as the originals thereof.

#### "LIMITATION ON LIABILITY

"SEC. 510. With respect to letters and other intellectual productions (exclusive of material copyrighted or patented) after they come into the custody or possession of the Administrator, neither the United States nor its agents shall be liable for any infringement of literary property rights or analogous rights arising thereafter out of use of such materials for display, inspection, research, reproduction, or other purposes.

#### "DEFINITIONS

"SEC. 511. When used in this title—

"(a) The term 'records' shall have the meaning given to such term by section 1 of the Act entitled 'An Act to provide for the disposal of certain records of the United States Government', approved July 7, 1943 (57 Stat. 380, as amended; 44 U. S. C. 366);

"(b) The term 'records center' means an establishment maintained by the Administrator or by a Federal agency primarily for the storage, servicing, security, and processing of records that must be preserved for varying periods of time and need not be retained in office equipment and space;

"(c) The term 'servicing' means making available for use information in records and other materials in the custody of the Administrator—

"(1) by furnishing such records or other materials, or information from such records or other materials, or copies or reproduction thereof to agencies of the Government for official use and to the public; and

"(2) by making and furnishing authenticated or unauthenticated copies or reproductions of such records and other materials;

"(d) The term 'National Archives of the United States' means those official records that have been determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government, and have been accepted by the Administrator for deposit in his custody;

"(e) The term 'unauthenticated copies' means exact copies or reproductions of records or other materials that are not certified as such under seal and that need not be legally accepted as evidence; and

"(f) The term 'Archivist' means the Archivist of the United States."

### RECORDS DISPOSAL ACT, APPROVED JULY 7, 1943, AS AMENDED (44 U. S. C. 366-380)

SEC. 2. [The National Archives Council] (The Administrator)<sup>1</sup> shall [promulgate] (prescribe)<sup>1</sup> regulations, not inconsistent with this Act, establishing (1) procedures for the compiling and submitting to the Archivist of the United States of lists and schedules of records proposed for disposal, (2) procedures for the disposal of records authorized for disposal, and (3) standards for the reproduction of records by photographic or microphotographic processes with a view to the disposal of the original records. Such regulations, when approved by the President, shall be binding on all agencies of the United States Government.

<sup>1</sup> Sec. 205 (c) of the Federal Property and Administrative Services Act of 1949 includes the provision that the "Administrator shall prescribe such regulations as he deems necessary to effectuate his functions under this Act \* \* \*."

SEC. 4. The [Archivist] (Administrator)<sup>2</sup> shall submit to Congress, at such times as he shall deem expedient, the lists or schedules submitted to him in accordance with the provisions of section 3 of this Act, or parts of such lists or schedules, and lists or schedules of any records in his legal custody, insofar as it shall appear to him that the records listed in such lists or schedules do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the United States Government: *Provided*, That the [Archivist] (Administrator)<sup>2</sup> shall not submit to Congress lists or schedules of records of any existing agency of the Government in his legal custody without first having obtained the written consent of the head of such agency.

The [Archivist] (Administrator)<sup>2</sup> may also submit to Congress, [together with recommendations of the National Archives Council with respect thereto, and] at such times as he may deem expedient, schedules proposing the disposal, after the lapse of specified periods of time, of records of a specified form or character common to several or all agencies that either have accumulated or may accumulate in such agencies and that apparently will not, after the lapse of the periods specified, have sufficient administrative, legal, research, or other value to warrant their further preservation by the United States Government.

(Sec. 7. (e)) amending subsection 602 (b) to read as follows:

“(b) There are hereby superseded—

\*

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\*

\*

“(2) sections 2 and 4 of the Act entitled “An Act to provide for the disposal of certain records of the United States Government”, approved July 7, 1943 (57 Stat. 381, as amended; 44 U. S. C. 367 and 369), to the extent that the provisions thereof are inconsistent with the provisions of title V of this Act.

<sup>2</sup> Sec. 104 (a) of the Federal Property and Administrative Services Act of 1949 includes the provision that there “are transferred to the Administrator (1) the functions of the Archivist of the United States, except that” \* \* \*





81<sup>ST</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 9129

[Report No. 2747]

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## IN THE HOUSE OF REPRESENTATIVES

JULY 17, 1950

Mr. BOLLING introduced the following bill; which was referred to the Committee on Expenditures in the Executive Departments

JULY 26, 1950

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

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## A BILL

To amend the Federal Property and Administrative Services Act of 1949, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       That the parenthetical expression appearing in clause (1)  
4       of the final sentence of subsection (a) of section 109 of  
5       the Federal Property and Administrative Services Act of  
6       1949 (Public Law 152, Eighty-first Congress) is amended  
7       to read as follows:

8       “(including the purchase from or through the Public Printer,  
9       for warehouse issue, of standard forms, blankbook work,  
10       standard specifications, and other printed material in com-



1 mon use by Federal agencies not available through the  
2 Superintendent of Documents).”

3 SEC. 2. (a) Clause (2) of the final sentence of sub-  
4 section (a) of section 109 of the Federal Property and  
5 Administrative Services Act of 1949, as hereinbefore  
6 amended, is amended to read as follows: “(2) for paying  
7 the purchase price, transportation to first storage point of  
8 supplies and services, and the cost of personal services em-  
9 ployed directly in the repair, rehabilitation, and conversion  
10 of personal property.”

11 (b) The third sentence of subsection (b) of section  
12 109 of such Act is amended to read as follows: “On and  
13 after such date, such prices shall be fixed at levels so as to  
14 recover so far as practicable the applicable purchase price,  
15 the transportation cost to first storage point, inventory losses,  
16 the cost of personal services employed directly in the repair,  
17 rehabilitation, and conversion of personal property, and the  
18 cost of amortization and repair of equipment utilized for  
19 lease or rent to executive agencies.”

20 (c) The amendments made by this section shall be  
21 effective on the date, not earlier than July 1, 1950, on which  
22 the Administrator of General Services shall determine that  
23 appropriated funds adequate to effectuate the purposes of  
24 such amendments have been made available.

25 SEC. 3. (a) The final sentence of subsection (b) of

1 section 109 of the Federal Property and Administrative  
2 Services Act of 1949 is amended to read as follows: "Where  
3 an advance of funds is not made, the General Services Ad-  
4 ministration shall be reimbursed promptly out of funds of the  
5 requisitioning agency in accordance with accounting pro-  
6 cedures approved by the Comptroller General: *Provided*,  
7 That in any case where payment shall not have been made  
8 by the requisitioning agency within forty-five days after  
9 the date of billing by the Administrator or the date on which  
10 an actual liability for supplies or services is incurred by  
11 the Administrator, whichever is the later, reimbursement  
12 may be obtained by the Administrator by the issuance of  
13 transfer and counterwarrants, or other lawful transfer docu-  
14 ments, supported by itemized invoices."

15 (b) Section 109 of the Federal Property and Ad-  
16 ministrative Services Act of 1949 is amended by adding  
17 at the end thereof the following new subsection:

18 "(g) The Administrator of General Services is author-  
19 ized in his discretion to charge vendors and producers of  
20 commodities considered for purchase such fees as he shall  
21 determine to be reasonable for testing such commodities for  
22 conformance to specifications and standards, and such fees  
23 may be deposited in the General Supply Fund and used to  
24 defray the expenses of conducting such tests as the Adminis-  
25 trator may prescribe."

1        SEC. 4. Paragraphs (1) and (2) of section 203 (j) of  
2 the Federal Property and Administrative Services Act of  
3 1949 are amended to read as follows:

4        “(1) Under such regulations as he may prescribe, the  
5 Administrator is authorized in his discretion to donate for  
6 educational purposes or public health purposes, including  
7 research, in the States, Territories, and possessions without  
8 cost (except for costs of care and handling) such equipment,  
9 materials, books, or other supplies under the control of  
10 any executive agency as shall have been determined to be  
11 surplus property and which shall have been determined under  
12 paragraph (2) or paragraph (3) of this subsection to be  
13 usable and necessary for educational purposes or public  
14 health purposes, including research.

15        “(2) Determination whether such surplus property  
16 (except surplus property donated in conformity with para-  
17 graph (3) of this subsection) is usable and necessary for  
18 educational purposes or public health purposes, including  
19 research, shall be made by the Federal Security Admin-  
20 istrator, who shall allocate such property on the basis of  
21 needs and utilization for transfer by the Administrator  
22 of General Services to tax-supported medical institutions,  
23 hospitals, clinics, health centers, school systems, schools,  
24 colleges, and universities, and to other nonprofit medical in-  
25 stitutions, hospitals, clinics, health centers, schools, colleges,

1 and universities which have been held exempt from taxation  
2 under section 101 (6) of the Internal Revenue Code,  
3 or to State departments of education or health for dis-  
4 tribution to such tax-supported and nonprofit medical insti-  
5 tutions, hospitals, clinics, health centers, school systems,  
6 schools, colleges, and universities; except that in any State  
7 where another agency is designated by State law for such  
8 purpose such transfer shall be made to said agency for such  
9 distribution within the State.”

10 SEC. 5. The Federal Property and Administrative Serv-  
11 ices Act of 1949 is amended by—

12 (a) redesignating section 210 thereof as section  
13 212, and wherever such section number appears in such  
14 Act as originally enacted, it is amended to conform to  
15 the redesignation prescribed by this subsection;

16 (b) inserting in the table of contents appearing in  
17 the first section of such Act, immediately after the line  
18 in which “Sec. 209.” appears, the following:

“Sec. 210. Operation of buildings and related activities.

“Sec. 211. Motor vehicle identification.”

19 (c) inserting, immediately after section 209  
20 thereof, the following new sections:

21 “OPERATION OF BUILDINGS AND RELATED ACTIVITIES

22 “SEC. 210. (a) Whenever and to the extent that the  
23 Administrator has been or hereafter may be authorized by



1 any provision of law other than this subsection to main-  
2 tain, operate, and protect any building, property, or grounds  
3 situated in or outside the District of Columbia, including the  
4 construction, repair, preservation, demolition, furnishing, and  
5 equipment thereof, he is authorized in the discharge of the  
6 duties so conferred upon him—

7 “(1) to purchase, repair, and clean uniforms for  
8 civilian employees of the General Services Administra-  
9 tion who are required by law or regulation to wear  
10 uniform clothing;

11 “(2) to furnish arms and ammunition for the pro-  
12 tection force maintained by the General Services Ad-  
13 ministration;

14 “(3) to pay ground rent for buildings owned by  
15 the United States or occupied by Federal agencies, and  
16 to pay such rent in advance when required by law or  
17 when the Administrator shall determine such action to  
18 be in the public interest;

19 “(4) to employ and pay personnel employed in  
20 connection with the functions of operation, maintenance,  
21 and protection of property at such per diem rates as  
22 may be approved by the Administrator, not exceeding  
23 rates currently paid by private industry for similar serv-  
24 ices in the place where such services are performed;

25 “(5) without regard to the provisions of section 322

1 of the Act of June 30, 1932 (47 Stat. 412), as amend-  
2 ed, to pay rental, and to make repairs, alterations, and  
3 improvements under the terms of any lease entered into  
4 by, or ~~transfer~~ *transferred* to, the General Service Ad-  
5 ministration for the housing of any Federal agency which  
6 on June 30, 1950, was specifically exempted by law from  
7 to requirements of said section;

8 “(6) to obtain payments, through advances or  
9 otherwise, for services, space, quarters, maintenance,  
10 repair, or other facilities furnished, on a reimbursable  
11 basis, to any other Federal agency, or any mixed-owner-  
12 ship corporation (as defined in the Government Cor-  
13 poration Control Act), or the District of Columbia, and  
14 to credit such payments to the applicable appropriation  
15 of the General Services Administration;

16 “(7) to make changes in, maintain, and repair the  
17 pneumatic tube system connecting buildings owned by  
18 the United States or occupied by Federal agencies in  
19 New York City installed under franchise of the city of  
20 New York, approved June 29, 1909, and June 11,  
21 1928, and to make payments of any obligations arising  
22 thereunder in accordance with the provisions of the Acts  
23 approved August 5, 1909 (36 Stat. 120), and May  
24 15, 1928 (45 Stat. 533);

25 “(8) to repair, alter, and improve rented premises,

1 without regard to the 25 per centum limitation of sec-  
2 tion 322 of the Act of June 30, 1932 (47 Stat. 412),  
3 as amended, upon a determination by the Administrator  
4 that by reason of circumstances set forth in such de-  
5 termination the execution of such work, without ref-  
6 erence to such limitation, is advantageous to the Govern-  
7 ment in terms of economy, efficiency, or national  
8 security: *Provided, That such determination shall show*  
9 *that the total cost (rentals, repairs, alterations, and im-*  
10 *provements) to the Government for the expected life of*  
11 *the lease shall be less than the cost of alternative space*  
12 *which needs no such repairs, alterations, or improve-*  
13 *ments.* A copy of every such determination shall be  
14 furnished to the General Accounting Office;

15 “(9) to pay sums in lieu of taxes on real property  
16 declared surplus by Government corporations, pursuant  
17 to the Surplus Property Act of 1944, where legal title  
18 to such property remains in any such Government  
19 corporation;

20 “(10) to furnish utilities and other services where  
21 such utilities and other services are not provided from  
22 other sources to persons, firms, or corporations occupy-  
23 ing or utilizing plants or portions of plants which con-  
24 stitute (A) a part of the National Industrial Reserve  
25 pursuant to the National Industrial Reserve Act of

1        1948, or (B) surplus real property, and to credit the  
2        amounts received therefrom to the applicable appropria-  
3        tion of the General Services Administration;

4        “(11) at the direction of the Secretary of Defense,  
5        to use proceeds received from insurance against damage  
6        to properties of the National Industrial Reserve for re-  
7        pair or restoration of the damaged properties; and

8        “(12) to acquire, by purchase, condemnation, or  
9        otherwise, real estate and interests therein.

10       “(b) At the request of any Federal agency or any  
11       mixed-ownership corporation (as defined in the Govern-  
12       ment Corporation Control Act), or the District of Columbia,  
13       the Administrator is hereby authorized to operate, maintain,  
14       and protect any building owned by the United States (or,  
15       in the case of any wholly owned or mixed-ownership Gov-  
16       ernment corporation, by such corporation) and occupied by  
17       the agency or instrumentality making such request.

18       “(c) At the request of any Federal agency or any  
19       mixed-ownership corporation (as defined in the Govern-  
20       ment Corporation Control Act), the District of Columbia,  
21       the Administrator is hereby authorized (1) to acquire land  
22       for buildings and projects authorized by the Congress; (2)  
23       to make or cause to be made, under contract or otherwise,  
24       surveys and test borings and to prepare plans and specifica-



1 tions for such buildings and projects prior to the approval by  
2 the Attorney General of the title to the sites thereof; and  
3 (3) to contract for, and to supervise, the construction and  
4 development and the equipping of such buildings or projects.  
5 Any sum available to any such Federal agency or instru-  
6 mentality for any such building or project may be trans-  
7 ferred by such agency to the General Services Administra-  
8 tion in advance for such purposes as the Administrator shall  
9 determine to be necessary, including the payment of salaries  
10 and expenses of personnel engaged in the preparation of  
11 plans and specifications or in field supervision, and for gen-  
12 eral office expenses to be incurred in the rendition of any  
13 such service.

14 “(d) Whenever the Director of the Bureau of the  
15 Budget shall determine such action to be in the interest of  
16 economy or efficiency, he shall transfer to the Administrator  
17 all functions then vested in any other Federal agency with  
18 respect to the operation, maintenance, and custody of any  
19 office building owned by the United States or any wholly  
20 owned Government corporation, or any office building or part  
21 thereof occupied by any Federal agency under any lease,  
22 except that no transfer shall be made under this subsection—

23 “(1) of any post-office building unless the Director  
24 shall first determine that such building is not used pre-  
25 dominantly for post-office purposes, and functions which

are transferred hereunder to the Administrator with respect to any post-office building may be delegated by him only to another officer or employee of the General Services Administration or to the Postmaster General;

“(2) of any building located in any foreign country;

“(3) of any building located on the grounds of any fort, camp, post, arsenal, navy yard, naval training station, airfield, proving ground, military supply depot, or school, or of any similar facility of the Department of Defense, unless and to such extent as a permit for its use by another agency or agencies shall have been issued by the Secretary of Defense or his duly authorized representative;

“(4) of any building which the Director of the Bureau of the Budget finds to be a part of a group of buildings which are (A) located in the same vicinity, (B) utilized wholly or predominantly for the special purposes of the agency having custody thereof, and (C) not generally suitable for the use of other agencies;

“(5) of the Treasury Building, the Bureau of Engraving and Printing Building, the buildings occupied by the National Bureau of Standards, and the buildings under the jurisdiction of the regents of the Smithsonian Institution; or

“(6) of the office buildings of the Senate and House

1 of Representatives, the building occupied by the Su-  
2 preme Court of the United States, the buildings occu-  
3 pied by the Library of Congress and the Columbia  
4 Hospital in the District of Columbia, and any other  
5 buildings and grounds under the jurisdiction of the  
6 Architect of the Capitol.

7 “MOTOR VEHICLE IDENTIFICATION

8 “SEC. 211. Under regulations prescribed by the Admin-  
9 istrator, every motor vehicle acquired and used for official  
10 purposes within the United States, its Territories, or posses-  
11 sions, by any Federal agency or the District of Columbia  
12 shall be conspicuously identified by showing thereon either  
13 (a) the full name of the department, establishment, corpo-  
14 ration, or agency by which it is used and the service in  
15 which it is used, or (b) a title descriptive of the service in  
16 which it is used if such title readily identifies the department,  
17 establishment, corporation, or agency concerned: *Provided*,  
18 That the regulations issued pursuant to this section may  
19 provide for exemptions from the requirement of this section  
20 when conspicuous identification would interfere with the pur-  
21 pose for which a vehicle is acquired and used.”

22 SEC. 6. The Federal Property and Administrative Serv-  
23 ices Act of 1949 is amended by—

24 (a) redesignating “title V” of such Act as “title

VI" thereof, and "title V", wherever it appears therein,  
is amended to read "title VI";

(b) redesignating sections 501-505, inclusive, of  
such Act, respectively, as sections 601-605, inclusive,  
thereof, and wherever any such section number appears  
in such Act as originally enacted, it is amended to con-  
form in numbering to the redesignation prescribed by  
this subsection;

(c) inserting at the proper place in the table of  
contents to such Act the following:

"TITLE V—FEDERAL RECORDS

"Sec. 501. Short title.

"Sec. 502. Custody and control of property.

"Sec. 503. National Historical Publications Commission.

"Sec. 504. Federal Records Council.

"Sec. 505. Records management; the Administrator.

"Sec. 506. Records management; agency heads.

"Sec. 507. Archival administration.

"Sec. 508. Reports.

"Sec. 509. Legal status of reproductions.

"Sec. 510. Limitation on liability.

"Sec. 511. Definitions."

(d) inserting, immediately following title IV  
thereof, the following new title:

"TITLE V—FEDERAL RECORDS

"SHORT TITLE

"SEC. 501. This title may be cited as the 'Federal Rec-  
ords Act of 1950'.

"CUSTODY AND CONTROL OF PROPERTY

"SEC. 502. The Administrator shall have immediate



1 custody and control of the National Archives Building and  
2 its contents, and shall have authority to design, construct,  
3 purchase, lease, maintain, operate, protect, and improve  
4 buildings used by him for the storage of records of Federal  
5 agencies in the District of Columbia and elsewhere.

6 "NATIONAL HISTORICAL PUBLICATIONS COMMISSION

7 "SEC. 503. (a) There is hereby created a National  
8 Historical Publications Commission consisting of the  
9 Archivist (or an alternate designated by him), who shall  
10 be Chairman; the Librarian of Congress (or an alternate  
11 designated by him); one Member of the United States  
12 Senate to be appointed, for a term of four years, by the  
13 President of the Senate; one Member of the House of  
14 Representatives to be appointed, for a term of two years,  
15 by the Speaker of the House of Representatives; one repre-  
16 sentative of the judicial branch of the Government to be  
17 appointed, for a term of four years, by the Chief Justice  
18 of the United States; one representative of the Department of  
19 State to be appointed, for a term of four years, by the Secre-  
20 tary of State; one representative of the Department of De-  
21 fense to be appointed, for a term of four years, by the Secre-  
22 tary of Defense; two members of the American Historical  
23 Association to be appointed *by the* council of the said associa-  
24 tion, one of whom shall serve an initial term of two years and  
25 the other an initial term of three years, but their successors

1 shall be appointed for terms of four years; and two other  
2 members outstanding in the fields of the social or physical  
3 sciences to be appointed by the President of the United  
4 States, one of whom shall serve an initial term of one year  
5 and the other an initial term of three years, but their suc-  
6 cessors shall be appointed for terms of four years. The  
7 Commission shall meet annually and on call of the  
8 Chairman.

9       “(b) Any person appointed to fill a vacancy in the  
10 membership of the Commission shall be appointed only for  
11 the unexpired term of the member whom he shall succeed,  
12 and his appointment shall be made in the same manner in  
13 which the appointment of his predecessor was made.

14       “(c) The Commission is authorized to appoint, without  
15 reference to the Classification Act of 1949 (Public Law  
16 429, 81st Congress, approved October 28, 1949), an execu-  
17 tive director and such editorial and clerical staff as the Com-  
18 mission may determine to be necessary. Members of the  
19 Commission who represent any branch or agency of the  
20 Government shall serve as members of the Commission  
21 without additional compensation. All members of the Com-  
22 mission shall be reimbursed for transportation expenses  
23 incurred in attending meetings of the Commission, and all  
24 such members other than those who represent any branch  
25 or agency of the Government of the United States shall

1 receive in lieu of subsistence en route to or from or at the  
2 place of such service, for each day actually spent in connec-  
3 tion with the performance of their duties as members of  
4 such Commission, such sum, not to exceed \$25, as the  
5 ~~Administrator~~ *Commission* shall prescribe.

6 “(d) The Commission shall make plans, estimates, and  
7 recommendations for such historical works and collections  
8 of sources as it deems appropriate for printing or otherwise  
9 recording at the public expense. The Commission shall also  
10 cooperate with and encourage appropriate Federal, State,  
11 and local agencies and nongovernmental institutions,  
12 societies, and individuals in collecting and preserving and,  
13 when it deems such action to be desirable, in editing and  
14 publishing the papers of outstanding citizens of the United  
15 States and such other documents as may be important for  
16 an understanding and appreciation of the history of the  
17 United States. The Chairman of the Commission shall  
18 transmit to the Administrator from time to time, and at least  
19 once annually, such plans, estimates, and recommendations  
20 as have been approved by the Commission.

21 “FEDERAL RECORDS COUNCIL

22 “SEC. 504. The Administrator shall establish a Federal  
23 Records Council, and shall advise and consult with the  
24 Council with a view to obtaining its advice and assistance  
25 in carrying out the purposes of this title. The Council shall

1 include representatives of the legislative, judicial, and  
2 executive branches of the Government in such number as  
3 the Administrator shall determine, but such Council shall  
4 include at least four representatives of the legislative branch,  
5 at least two representatives of the judicial branch, and at  
6 least six representatives of the executive branch. Members  
7 of the Council representing the legislative branch shall be  
8 designated, in equal number, by the President of the Senate  
9 and the Speaker of the House of Representatives, *respec-*  
10 *tively*. Members of the Council representing the judicial  
11 branch shall be designated by the Chief Justice of the United  
12 States. The Administrator is authorized to designate from  
13 persons named by the head of any executive agency con-  
14 cerned, not more than one representative from such agency  
15 to serve as a member of the Council. Members of the Council  
16 shall serve without compensation, but shall be reimbursed  
17 for all necessary expenses actually incurred in the perform-  
18 ance of their duties as members of the Council. The Council  
19 shall elect a chairman from among its own membership,  
20 and shall meet at least once annually.

21 "RECORDS MANAGEMENT; THE ADMINISTRATOR

22 "SEC. 505. (a) The Administrator shall make provi-  
23 sions for the economical and efficient management of records  
24 of Federal agencies (1) by analyzing, developing, promot-



1 ing, and coordinating standards, procedures, and techniques  
2 designed to improve the management of records, to insure  
3 the maintenance and security of records deemed appropriate  
4 for preservation, and to facilitate the segregation and dis-  
5 posal of records of temporary value, and (2) by promoting  
6 the efficient and economical utilization of space, equipment,  
7 and supplies needed for the purpose of creating, maintaining,  
8 storing, and servicing records.

9       “(b) The Administrator shall establish standards for  
10 the selective retention of records of continuing value, and  
11 assist Federal agencies in applying such standards to records  
12 in their custody; and he shall notify the head of any Federal  
13 agency of any actual, impending, or threatened unlawful  
14 removal, defacing, alteration, or destruction of records in the  
15 custody of such agency that shall come to his attention, and  
16 assist the head of such agency in initiating action through  
17 the Attorney General for the recovery of such records as shall  
18 have been unlawfully removed and for such other redress  
19 as may be provided by law.

20       “(c) The Administrator is authorized to inspect or  
21 survey personally or by deputy the records of any Federal  
22 agency, as well as to make surveys of records management  
23 and records disposal practices in such agencies, and shall be  
24 given the full cooperation of officials and employees of agen-

1   cies in such inspections and surveys: *Provided*, That records,  
2   the use of which is restricted by or pursuant to law or for  
3   reasons of national security or the public interest, shall be  
4   inspected or surveyed in accordance with regulations promul-  
5   gated by the Administrator, subject to the approval of the  
6   head of the custodial agency.

7       “(d) The Administrator is authorized to establish,  
8   maintain, and operate records centers for the storage, proc-  
9   essing, and servicing of records for Federal agencies pending  
10   their deposit with the National Archives of the United States  
11   or their disposition in any other manner authorized by law;  
12   and to establish, maintain, and operate centralized micro-  
13   filming services for Federal agencies.

14       “(e) Subject to applicable provisions of law, the Ad-  
15   ministrator shall promulgate regulations governing the  
16   transfer of records from the custody of one executive agency  
17   to that of another.

18       “(f) The Administrator may empower any Federal  
19   agency, upon the submission of evidence of need therefor, to  
20   retain records for a longer period than that specified in dis-  
21   posal schedules approved by Congress, and, in accordance  
22   with regulations promulgated by him, may withdraw dis-  
23   posal authorizations covering records listed in disposal  
24   schedules approved by Congress.

1           “RECORDS MANAGEMENT; AGENCY HEADS

2           “SEC. 506. (a) The head of each Federal agency shall  
3    cause to be made and preserved records containing adequate  
4    and proper documentation of the organization, functions,  
5    policies, decisions, procedures, and essential transactions of  
6    the agency and designed to furnish the information necessary  
7    to protect the legal and financial rights of the Government  
8    and of persons directly affected by the agency's activities.

9           “(b) The head of each Federal agency shall establish  
10   and maintain an active, continuing program for the eco-  
11   nomical and efficient management of the records of the  
12   agency. Such program shall, among other things, provide  
13   for (1) effective controls over the creation, maintenance,  
14   and use of records in the conduct of current business; (2)  
15   cooperation with the Administrator in applying standards,  
16   procedures, and techniques designed to improve the manage-  
17   ment of records, promote the maintenance and security  
18   of records deemed appropriate for preservation, and facilitate  
19   the segregation and disposal of records of temporary value;  
20   and (3) compliance with the provisions of this title and the  
21   regulations issued thereunder.

22          “(c) Whenever the head of a Federal agency deter-  
23   mines that substantial economies or increased operating  
24   efficiency can be effected thereby, he shall provide for  
25   the storage, processing, and servicing of records that

1 are appropriate therefor in a records center maintained  
2 and operated by the Administrator or, when approved by  
3 the Administrator, in such a center maintained and operated  
4 by the head of such Federal agency.

5 “(d) Any official of the Government who is authorized  
6 to certify to facts on the basis of records in his custody, is  
7 hereby authorized to certify to facts on the basis of records  
8 that have been transferred by him or his predecessors to the  
9 Administrator.

10 “(e) The head of each Federal agency shall establish  
11 such safeguards against the removal or loss of records as he  
12 shall determine to be necessary and as may be required by  
13 regulations of the Administrator. Such safeguards shall in-  
14 clude making it known to all officials and employees of the  
15 agency (1) that no records in the custody of the agency are  
16 to be alienated or destroyed except in accordance with the  
17 provisions of the Act approved July 7, 1943 (57 Stat. 380-  
18 383), as amended July 6, 1945 (59 Stat. 434), and (2)  
19 the penalties provided by law for the unlawful removal or  
20 destruction of records.

21 “(f) The head of each Federal agency shall notify  
22 the Administrator of any actual, impending, or threatened  
23 unlawful removal, defacing, alteration, or destruction of  
24 records in the custody of the agency of which he is the



1 head that shall come to his attention, and with the assist-  
2 ance of the Administrator shall initiate action through the  
3 Attorney General for the recovery of records he knows or  
4 has reason to believe have been unlawfully removed from  
5 his agency, or from any other Federal agency whose records  
6 have been transferred to his legal custody.

7 “(g) Nothing in this title shall be construed as limiting  
8 the authority of the Comptroller General of the United States  
9 with respect to prescribing accounting systems, forms, and  
10 procedures, or lessening the responsibility of collecting and  
11 disbursing officers for rendition of their accounts for settlement  
12 by the General Accounting Office.

13 “ARCHIVAL ADMINISTRATION

14 “SEC. 507. (a) The Administrator, whenever it appears  
15 to him to be in the public interest, is hereby authorized—

16 “(1) to accept for deposit with the National  
17 Archives of the United States the records of any Federal  
18 agency or of the Congress of the United States that  
19 are determined by the Archivist to have sufficient his-  
20 torical or other value to warrant their continued preser-  
21 vation by the United States Government;

22 “(2) to direct and effect, with the approval of the  
23 head of the originating agency (or if the existence of  
24 such agency shall have been terminated, then with the  
25 approval of his successor in function, if any), the trans-

fer of records deposited (or approved for deposit) with the National Archives of the United States to public or educational institutions or associations: *Provided*, That the title to such records shall remain vested in the United States unless otherwise authorized by Congress; and

“(3) to direct and effect the transfer of materials from private sources authorized to be received by the Administrator by the provisions of subsection (e) of this section.

“(b) The Administrator shall be responsible for the custody, use, and withdrawal of records transferred to him: *Provided*, That whenever any records the use of which is subject to statutory limitations and restrictions are so transferred, permissive and restrictive statutory provisions with respect to the examination and use of such records applicable to the head of the agency from which the records were transferred or to employees of that agency shall thereafter likewise be applicable to the Administrator, the Archivist, and to the employees of the General Services Administration, respectively: *Provided further*, That whenever the head of any agency shall specify in writing restrictions that appear to him to be necessary or desirable in the public interest, on the use or examination of records being considered for transfer from his custody to the Administrator, the Ad-

1 administrator shall impose such restrictions on the records so  
2 transferred, and shall not remove or relax such restrictions  
3 without the concurrence in writing of the head of the agency  
4 from which the material shall have been transferred (or if  
5 the existence of such agency shall have been terminated,  
6 then he shall not remove or relax such restrictions without  
7 the concurrence of the successor in function, if any, of such  
8 agency head) : *Provided, however,* That statutory and other  
9 restrictions referred to in the provisos of this subsection shall  
10 not remain in force or effect after the records have been in  
11 existence for fifty years unless the Administrator by order  
12 shall determine with respect to specific bodies of records  
13 that such restrictions shall remain in force and effect for a  
14 longer period: *And provided further,* That restrictions on  
15 the use or examination of records deposited with the National  
16 Archives of the United States heretofore imposed and now  
17 in force and effect under the terms of section 3 of the  
18 National Archives Act, approved June 19, 1934, shall con-  
19 tinue in force and effect regardless of the expiration of the  
20 tenure of office of the official who imposed them but may  
21 be removed or relaxed by the Administrator with the con-  
22 currence in writing of the head of the agency from which  
23 material has been transferred (or if the existence of such  
24 agency shall have been terminated, then with the concur-  
25 rence in writing of his successor in function, if any).

“(c) The Administrator shall make provisions for the preservation, arrangement, repair and rehabilitation, duplication and reproduction (including microcopy publications), description, and exhibition of records transferred to him as may be needful or appropriate, including the preparation and publication of inventories, indexes, catalogs, and other finding aids or guides facilitating their use; and, when approved by the National Historical Publications Commission, he may also publish such historical works and collections of sources as seem appropriate for printing or otherwise recording at the public expense.

“(d) The Administrator shall make such provisions and maintain such facilities as he deems necessary or desirable for servicing records in his custody that are not exempt from examination by statutory provisions or other restrictions.

“(e) The Administrator may accept for deposit—

“(1) the personal papers and other personal historical documentary materials of the present President of the United States, his successors, heads of executive departments, and such other officials of the Government as the President may designate, offered for deposit under restrictions respecting their use specified in writing by the prospective depositors: *Provided*, That restrictions so specified on such materials, or any portions thereof,



1       accepted by the Administrator for such deposit shall  
2       have force and effect during the lifetime of the depositor  
3       or for a period not to exceed twenty-five years, which-  
4       ever is longer, unless sooner terminated in writing by the  
5       depositor or his legal heirs: *And provided further*, That  
6       the Archivist determines that the materials accepted for  
7       such deposit will have continuing historical or other  
8       values;

9           “(2) motion-picture films, still pictures, and sound  
10       recordings from private sources that are appropriate for  
11       preservation by the Government as evidence of its or-  
12       ganization, functions, policies, decisions, procedures, and  
13       transactions.

14   Title to materials so deposited under this subsection shall  
15   pass to and vest in the United States.

16       “(f) The Administrator is hereby authorized to make  
17   and preserve motion-picture films, still pictures, and sound  
18   recordings pertaining to and illustrative of the historical de-  
19   velopment of the United States Government and its activities,  
20   and to make provisions for preparing, editing, titling, scoring,  
21   processing, duplicating, reproducing, exhibiting, and re-  
22   leasing for nonprofit educational purposes, motion-picture  
23   films, still pictures, and sound recordings in his custody.

## "REPORTS

1

2 "SEC. 508. (a) The Administrator is hereby author-  
3 ized, whenever he deems it necessary, to obtain reports from  
4 Federal agencies on their activities under the provisions of  
5 this title and the Act approved July 7, 1943 (57 Stat.  
6 380-383), as amended July 6, 1945 (59 Stat. 434).

7 "(b) The Administrator shall, whenever he finds that  
8 any provisions of this title have been or are being violated,  
9 inform in writing the head of the agency concerned of such  
10 violations and make recommendations regarding means of  
11 correcting them. Unless corrective measures satisfactory to  
12 the Administrator are inaugurated within a reasonable time,  
13 the Administrator shall submit a written report thereon to  
14 the President and the Congress.

## 15 "LEGAL STATUS OF REPRODUCTIONS

16 "SEC. 509. (a) Whenever any records that are re-  
17 quired by statute to be retained indefinitely have been  
18 reproduced by photographic, microphotographic, or other  
19 processes, in accordance with standards established by the  
20 Administrator, the indefinite retention of such photographic,  
21 microphotographic, or other reproductions will be deemed to  
22 constitute compliance with the statutory requirement for the  
23 indefinite retention of such original records. Such reproduc-

1 tions, as well as reproductions made in compliance with  
2 regulations promulgated to carry out this title, shall have  
3 the same legal status as the originals thereof.

4 “(b) There shall be an official seal for the National  
5 Archives of the United States which shall be judicially  
6 noticed. When any copy or reproduction, furnished under  
7 the terms hereof, is authenticated by such official seal and  
8 certified by the Administrator, such copy or reproduction  
9 shall be admitted in evidence equally with the original from  
10 which it was made.

11 “(c) The Administrator may charge a fee not in excess  
12 of 10 per centum above the costs or expenses for making  
13 or authenticating copies or reproductions of materials trans-  
14 ferred to his custody. All such fees shall be paid into,  
15 administered, and expended as a part of the National Ar-  
16 chives Trust Fund provided for in section 5 of the Act  
17 approved July 9, 1941. There shall be no charge for  
18 making or authenticating copies or reproductions of such  
19 materials for official use by the United States Government:  
20 *Provided*, That reimbursement may be accepted to cover  
21 the cost of furnishing such copies or reproductions that could  
22 not otherwise be furnished.

23 “LIMITATION ON LIABILITY

24 “SEC. 510. With respect to letters and other intellectual  
25 productions (exclusive of material copyrighted or pat-

1 ented) after they come into the custody or possession of  
2 the Administrator, neither the United States nor its agents  
3 shall be liable for any infringement of literary property rights  
4 or analogous rights arising thereafter out of use of such  
5 materials for display, inspection, research, reproduction, or  
6 other purposes.

7 "DEFINITIONS

8 "SEC. 511. When used in this title—

9 "(a) The term 'records' shall have the meaning given  
10 to such term by section 1 of the Act entitled 'An Act to  
11 provide for the disposal of certain records of the United  
12 States Government', approved July 7, 1943 (57 Stat. 380,  
13 as amended; 44 U. S. C. 366) ;

14 "(b) The term 'records center' means an establishment  
15 maintained by the Administrator or by a Federal agency  
16 primarily for the storage, servicing, security, and processing  
17 of records that must be preserved for varying periods of  
18 time and need not be retained in office equipment and space ;

19 "(c) The term 'servicing' means making available for  
20 use information in records and other materials in the custody  
21 of the Administrator—

22 "(1) by furnishing such records or other materials,  
23 or information from such records or other materials, or  
24 copies or reproductions thereof to agencies of the Govern-  
25 ment for official use and to the public; and



1           “(2) by making and furnishing authenticated or  
2           unauthenticated copies or reproductions of such records  
3           and other materials;

4           “(d) The term ‘National Archives of the United  
5           States’ means those official records that have been deter-  
6           mined by the Archivist to have sufficient historical or other  
7           value to warrant their continued preservation by the United  
8           States Government’, and have been accepted by the Admin-  
9           istrator for deposit in his custody;

10          “(e) The term ‘unauthenticated copies’ means exact  
11          copies or reproductions of records or other materials that  
12          are not certified as such under seal and that need not be  
13          legally accepted as evidence; and

14          “(f) The term ‘Archivist’ means the Archivist of the  
15          United States.”

16          SEC. 7. The Federal Property and Administrative  
17          Services Act of 1949 is further amended by—

18                 (a) striking out the word “and” preceding “(2)”  
19                 in subsection (d) of section 3 thereof; substituting a  
20                 semicolon for the period at the end of said subsection;  
21                 and adding at the end of such subsection the following:  
22                 “and (3) records of the Federal ~~Government~~”; *Gov-*  
23                 ~~ernment.~~”;

24                 (b) striking out, in section 208 (a) thereof, the

1 expression “and V”, and inserting in lieu thereof the  
 2 expression “V, and VI”;

3 (c) striking out, in section 208 (b) thereof, the  
 4 expression “and V”, and inserting in lieu thereof the  
 5 expression “V, and VI”;

6 (d) striking out the word “and” at the end of  
 7 paragraph (30) of section 602 (a) ; striking out the  
 8 period at the end of paragraph (31) of section 602 (a)  
 9 and inserting in lieu thereof a semicolon; and adding  
 10 at the end of section 602 (a) the following new  
 11 paragraphs:

12 “(32) the Act entitled ‘An Act to establish a  
 13 National Archives of the United States Government,  
 14 and for other purposes’, approved June 19, 1934 (48  
 15 Stat. ~~1122-1124~~; ~~1122-1124~~, as amended; 44 U. S. C.  
 16 300, 300a, ~~300e-k~~; ~~300c-k~~) ; and

17 “(33) section 4 of the Act of February 3, 1905  
 18 (33 Stat. 687, as amended; 5 U. S. C. 77).”

19 (e) amending subsections 602 (b) and (c) thereof  
 20 to read as follows:

21 “(b) There are hereby superseded—

22 “(1) the provisions of the first, third, and fifth  
 23 paragraphs of section 1 of Executive Order Numbered  
 24 6166 of June 10, 1933, insofar as they relate to any

1 function now administered by the Bureau of Federal  
 2 Supply except functions with respect to standard con-  
 3 tract forms; and

4 “(2) sections 2 and 4 of the Act entitled ‘An Act  
 5 to provide for the disposal of certain records of the  
 6 United States Government’, approved July 7, 1943  
 7 (57 Stat. 381, as amended; 44 U. S. C. 367 and 369),  
 8 to the extent that the provisions thereof are inconsistent  
 9 with the provisions of title V of this Act.

10 “(c) The authority conferred by this Act shall be  
 11 in addition and paramount to any authority conferred by any  
 12 other law and shall not be subject to the provisions of any  
 13 law inconsistent herewith, except that sections 205 (b) and  
 14 206 (c) of this Act shall not be applicable to any Govern-  
 15 ment corporation or agency which is subject to the Govern-  
 16 ment Corporation Control Act (59 Stat. 597; 31 U. S. C.  
 17 841).”

18 (f) amending paragraphs (17), (18), and (19)  
 19 of section 602 (d) thereof to read as follows:

20 “(17) the Central Intelligence Agency; ~~or~~

21 “(18) the Joint Committee on Printing, under the  
 22 Act entitled ‘An Act providing for the public printing  
 23 and binding and the distribution of public documents’  
 24 approved January 12, 1895 (28 Stat. 601), as  
 25 amended, or any other Act; or

1           “(19) for such period of time as the President may  
2       specify, any other authority of any executive agency  
3       which the President determines within one year after the  
4       effective date of this Act should, in the public interest,  
5       stand unimpaired by this Act.”

6           (g) striking out the period at the end of section  
7       603 (a) thereof and inserting in lieu thereof a comma  
8       and the following: “including payment in advance, when  
9       authorized by the Administrator, for library member-  
10      ships in societies whose publications are available to  
11      members only, or to members at a price lower than  
12      that charged to the general public.”

13      SEC. 8. (a) Subsection 3 (b) of the Federal Property  
14      and Administrative Services Act of 1949 is amended to read  
15      as follows:

16           “(b) The term ‘Federal agency’ means any executive  
17      agency or any establishment in the legislative or judicial  
18      branch of the Government (except the Senate, the House  
19      of Representatives, and the Architect of the Capitol and  
20      any activities under his direction).”

21           (b) Section 201 (b) of the Federal Property and  
22      Administrative Services Act of 1949 is amended by striking  
23      out the expression “or the Senate, or the House of Repre-  
24      sentatives,”.

25           (c) Section 602 of the Federal Property and Adminis-



1 trative Services Act of 1949 is amended by redesignating  
2 subsection (e) thereof as subsection (f), and inserting,  
3 immediately after subsection (d) thereof, the following new  
4 subsection:

5 (e) No provision of this Act as originally enacted or  
6 as herein amended shall apply to the Senate or the  
7 House of Representatives (including the Architect of the  
8 Capitol and any building, activity, or function under his  
9 direction), but any of the services and facilities authorized  
10 by this Act to be rendered or furnished shall, as far as prac-  
11 ticable, be made available to the Senate, the House of Repre-  
12 sentatives, or the Architect of the Capitol, upon their re-  
13 quest, and, if payment would be required for the rendition  
14 or furnishing of a similar service or facility to an executive  
15 agency, payment therefor shall be made by the recipient  
16 thereof, upon presentation of proper vouchers, in advance  
17 or by reimbursement (as may be agreed upon by the Ad-  
18 ministrator and the officer or body making such request).  
19 Such payment may be credited to the applicable appropria-  
20 tion of the executive agency receiving such payment.”

21 SEC. 9. The Federal Property and Administrative *Serv-*  
22 *ices* Act of 1949, section 205 (h), is hereby amended by  
23 striking out the last word of the sentence “Title” and insert-  
24 ing in lieu thereof the word “Act”.

1        SEC. 10. (a) Whenever any contract made on behalf  
2 of the Government by the head of any Federal agency, or  
3 by officers authorized by him to do so, includes a provision  
4 for liquidated damages for delay, the Comptroller General  
5 upon recommendation of such head is authorized and em-  
6 powered to remit the whole or any part of such damages as  
7 in his discretion may be just and equitable.

8        (b) Section 306 of the Federal Property and Adminis-  
9 trative Services Act of 1949, is hereby repealed, and this  
10 section shall be effective as of July 1, 1949.

11       SEC. 11. All laws or parts of laws in conflict with the  
12 amendments made by this Act are, to the extent of such  
13 conflict, hereby repealed.

81<sup>ST</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 9129**

[Report No. 2747]

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## A BILL

To amend the Federal Property and Administrative Services Act of 1949, and for other purposes.

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By Mr. BOLLING

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JULY 17, 1950

Referred to the Committee on Expenditures in the  
Executive Departments

JULY 26, 1950

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed







## CONSIDERATION OF H. R. 9129

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JULY 31, 1950.—Referred to the House Calendar and ordered to be printed

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Mr. MADDEN, from the Committee on Rules, submitted the following

### R E P O R T

[To accompany H. Res. 741]

The Committee on Rules, having had under consideration House Resolution 741, report the same to the House with the recommendation that the resolution do pass.





## House Calendar No. 255

81ST CONGRESS  
2D SESSION

# H. RES. 741

[Report No. 2764]

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### IN THE HOUSE OF REPRESENTATIVES

JULY 31, 1950

Mr. MADDEN, from the Committee on Rules, reported the following resolution;  
which was referred to the House Calendar and ordered to be printed

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## RESOLUTION

1       *Resolved*, That immediately upon the adoption of this  
2 resolution it shall be in order to move that the House resolve  
3 itself into the Committee of the Whole House on the State  
4 of the Union for the consideration of the bill (H. R. 9129)  
5 to amend the Federal Property and Administrative Services  
6 Act of 1949, and for other purposes. That after general  
7 debate, which shall be confined to the bill and continue  
8 not to exceed one hour, to be equally divided and controlled  
9 by the chairman and ranking minority member of the Com-  
10 mittee on Expenditures in the Executive Departments, the  
11 bill shall be read for amendment under the five-minute rule.  
12 At the conclusion of the consideration of the bill for amend-



1 ment, the Committee shall rise and report the bill to the  
 2 House with such amendments as may have been adopted  
 3 and the previous question shall be considered as ordered on  
 4 the bill and amendments thereto to final passage without  
 5 intervening motion except one motion to recommit.

House Calendar No. 255

81ST CONGRESS  
2d Session

**H. RES. 741**

[Report No. 2764]

## RESOLUTION

Providing for the consideration of H. R. 9129,  
 a bill to amend the Federal Property and  
 Administrative Services Act of 1949, and  
 for other purposes.

By Mr. MADDEN

JUNE 31, 1950

Referred to the House Calendar and ordered to be  
 printed





Heretofore disaster relief largely has been administered and provided by the American Red Cross, and such will continue. This is not to replace it. Now, if it develops in any case to protect life, as stated in subsection (b) under section 3 that the President would like to have some agency of the Government to furnish this medicine or supply the medicine, the President of the United States might use some agency—

Mr. WADSWORTH. Some agency of the Government, that is different. This means the American National Red Cross. I understand how the President can use an agency of the Government to distribute supplies, but under this provision he can use the American National Red Cross as an independent organization which has never been subjected to Government control.

Mr. WHITTINGTON. I will say this to the gentleman, that the language "distributing, through the American Red Cross or otherwise, medicine, food, and other consumable supplies," as I understand it as a member of the committee, contemplated that in the event there were supplies, that instead of putting the people of the United States to the expense of distributing, if the American National Red Cross were agreeable, under the statutory authority conferred by Congress when it created the Red Cross, the President might avail himself or his designated Federal agency might avail itself of the service of the American National Red Cross. And, to make assurance doubly sure, the Committee on Public Works referred this bill to General Marshall president of the American National Red Cross, and he reported he had no objection to the bill. My judgment is that he is satisfied with that provision of the bill.

Mr. WADSWORTH. Apparently so, but despite my great confidence in the General's judgment, I would like to warn him and other officials of the American National Red Cross, the more Government has to do with it, the less they will be the masters of their own organization.

Mr. WHITTINGTON. As far as the committee is concerned, and speaking for them, we are in agreement with the gentleman. There is no authority to use the Red Cross except as stated, and such is the judgment of the committee.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FERNANDEZ, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 8396) to authorize Federal assistance to States and local governments in major disasters, and for other purposes, pursuant to House Resolution 742, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. KEATING. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. KEATING. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. KEATING moves to recommit the bill to the Committee on Public Lands with instructions to report the same back forthwith with the following amendment: Page 2, line 6, after "President" insert "and the Congress of the United States".

Mr. WHITTINGTON. Mr. Speaker, I make the point of order against the motion to recommit that it is a violation of the rules of the House for the bill to be recommitted to the Committee on Public Lands. The Committee on Public Works has jurisdiction of this bill.

The SPEAKER. The gentleman may recommit it to any committee, as far as that is concerned, but the Committee on Public Lands does not have jurisdiction over legislation of this character.

Mr. KEATING. Mr. Speaker, I ask unanimous consent to change the word "Lands" to "Works."

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. WADSWORTH) there were—ayes 7, noes 72.

Mr. BYRNES of Wisconsin. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors. The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 25, nays 232, not voting 173, as follows:

#### [Roll No. 224]

##### YEAS—25

Allen, Ill.	Heselton	Rees
Bates, Mass.	Keating	Scrivner
Boggs, Del.	Kilburn	Smith, Va.
Burleson	Mahon	Smith, Wis.
Byrnes, Wis.	Meyer	Taber
Cannon	Nicholson	Wadsworth
Cotton	Phillips, Calif.	Wilson, Ind.
Davis, Wis.	Poage	
Elston	Reed, N. Y.	

##### NAYS—232

Abernethy	Baring	Bolton, Md.
Addonizio	Battle	Bonner
Albert	Beall	Bosone
Allen, Calif.	Beckworth	Boykin
Andersen,	Bennett, Fla.	Bramblett
H. Carl	Bennett, Mich.	Breen
Anderson, Calif.	Bentsen	Brooks
Andrews	Biemiller	Brown, Ga.
Angell	Bishop	Brown, Ohio
Aspinall	Blackney	Bryson
Auchincloss	Blatnik	Buchanan
Barden	Bolling	Buckley, Ill.

Burdick	Howell	Patman
Burnside	Huber	Peterson
Camp	Hull	Philbin
Carlyle	Irving	Pickett
Carnahan	Jackson, Wash.	Polk
Carroll	Jacobs	Potter
Case, S. Dak.	Jensen	Preston
Celler	Jonas	Price
Chesney	Jones, Ala.	Priest
Clevenger	Judd	Rabaut
Cole, Kans.	Karst	Rains
Combs	Karsten	Rankin
Cooley	Kearney	Redden
Cooper	Kearns	Reed, Ill.
Cox	Kee	Rhodes
Crook	Kerr	Robeson
Crosser	Kilday	Rodino
Cunningham	King	Rogers, Fla.
Curtis	Kirwan	Rooney
Dague	Kunkel	Sasser
Davis, Tenn.	Lanham	Saylor
Dawson	Larcade	Secrest
Deane	LeCompte	Shafer
DeGraffenried	Lind	Sheppard
D'Ewart	Lovre	Sikes
Dondero	Lucas	Simpson, Ill.
Doyle	Lynch	Sims
Elliott	McCarthy	Staggers
Ellsworth	McConnell	Stead
Evins	McCormack	Stefan
Feighan	McDonough	Stigler
Fernandez	McGregor	Sullivan
Fisher	McGuire	Sutton
Flood	McKinnon	Tackett
Forand	McMillan, S. C.	Talle
Ford	McSweeney	Tauriello
Fugate	Mack, Ill.	Teague
Garmatz	Mack, Wash.	Thomas
Gary	Madden	Thompson
Gathings	Mansfield	Thornberry
Gavin	Marsalis	Tollefson
Gilmer	Marshall	Trimble
Gordon	Martin, Iowa	Van Zandt
Gore	Marrow	Velde
Graham	Michener	Vinson
Granger	Miles	Vursell
Grant	Miller, Calif.	Wagner
Gross	Mills	Walsh
Hagen	Mitchell	Walter
Halleck	Monroney	Welch
Harden	Morris	Werdel
Hardy	Moulder	White, Calif.
Hart	Multer	Whitten
Harvey	Murdoch	Whittington
Havener	Murray, Tenn.	Wickersham
Hébert	Nixon	Wier
Hedrick	Noland	Wilson, Okla.
Hill	Norblad	Wilson, Tex.
Hobbs	Norrell	Withrow
Hoeven	O'Brien, Ill.	Wolcott
Hoffman, Ill.	O'Hara, Ill.	Wolverton
Hoffman, Mich.	O'Hara, Minn.	Woodruff
Holifield	O'Konski	Yates
Holmes	O'Sullivan	Young
Hope	O'Toole	Zablocki
Horan	Passman	

#### NOT VOTING—173

Abbott	Denton	Hand
Allen, La.	Dingell	Hare
Andersen,	Dollinger	Harris
August H.	Dolliver	Harrison
Arnds	Donohue	Hays, Ark.
Bailey	Doughton	Hays, Ohio
Barrett, Pa.	Douglas	Heffernan
Barrett, Wyo.	Durham	Heller
Bates, Ky.	Eaton	Herlong
Boggs, La.	Eberharter	Herter
Bolton, Ohio	Engel, Mich.	Hinshaw
Brehm	Engle, Calif.	Jackson, Calif.
Buckley, N. Y.	Fallon	James
Bulwinkle	Fellows	Javits
Burke	Fenton	Jenison
Burton	Fogarty	Jenkins
Byrne, N. Y.	Frazier	Jennings
Canfield	Fulton	Johnson
Case, N. J.	Furcolo	Jones, Mo.
Cavalcante	Gamble	Jones, N. C.
Chatham	Gillette	Kean
Chelf	Golden	Keefe
Chiperfield	Goodwin	Kelley, Pa.
Christopher	Gorski	Kelly, N. Y.
Chudoff	Gossett	Kennedy
Clemente	Granahan	Keogh
Cole, N. Y.	Green	Klein
Colmer	Gregory	Kruse
Corbett	Guill	Lane
Coudert	Gwinn	Latham
Crawford	Hale	LeFette
Davenport	Hall	Lichtenwalter
Davies, N. Y.	Edwin Arthur	Linehan
Davis, Ga.	Hall	Lodge
Delaney	Leonard W.	Lyle



McCulloch  
McGrath  
McMillen, Ill.  
Macy  
Magee  
Marcantonio  
Martin, Mass.  
Mason  
Miller, Md.  
Miller, Nebr.  
Morgan  
Morrison  
Morton  
Murphy  
Murray, Wis.  
Nelson  
Norton  
O'Brien, Mich.  
O'Neill  
Pace  
Patten  
Patterson  
Perkins  
Pfeifer  
Joseph L.  
Pfeiffer,  
William L.  
Phillips, Tenn.  
Plumley  
Poulson  
Powell  
Quinn  
Ramsay  
Regan  
Ribicoff  
Rich  
Richards  
Riehlman  
Rivers  
Rogers, Mass.  
Roosevelt  
Sabath  
Sadlak  
Sadowski  
St. George  
Sanborn  
Scott, Hardie  
Scott,  
Hugh D., Jr.  
Scudder  
Shelley  
Short  
Simpson, Pa.  
Smathers  
Smith, Kans.  
Smith, Ohio  
Spence  
Stanley  
Stockman  
Taylor  
Towe  
Underwood  
Vorys  
Weichel  
Wheeler  
Whitaker  
White, Idaho  
Widnall  
Wigglesworth  
Williams  
Willis  
Winstead  
Wood  
Woodhouse

So the motion to recommit was rejected.

The Clerk announced the following pairs:

General pairs until further notice.

Mr. Joseph L. Pfeifer with Mr. Simpson of Pennsylvania.

Mr. Magee with Mr. Taylor.

Mr. Morrison with Mr. LeFevre.

Mr. Keogh with Mr. Macy.

Mr. Murphy with Mr. Towe.

Mr. Roosevelt with Mr. Short.

Mr. Fallon with Mr. Eaton.

Mr. Perkins with Mr. Coudert.

Mr. Klein with Mr. Case of New Jersey.

Mr. Harrison with Mr. Brehm.

Mr. Clemente with Mr. Arends.

Mr. Delaney with Mr. Fulton.

Mr. Heffernan with Mr. Fenton.

Mr. Green with Mr. Gillette.

Mr. Dingell with Mr. Herter.

Mr. McGrath with Mr. Hinshaw.

Mrs. Kelly of New York with Mr. Jackson of California.

Mr. O'Brien of Michigan with Mr. Wigglesworth.

Mr. Powell with Mr. Hardie Scott.

Mr. Buckley of New York with Mrs. Rogers of Massachusetts.

Mr. Heller with Mr. Kean.

Mr. Dollinger with Mr. James.

Mr. Stanley with Mr. Jenkins.

Mr. Whitaker with Mr. Miller of Maryland.

Mr. Williams with Mr. Martin of Massachusetts.

Mr. Winstead with Mr. Latham.

Mr. Fogarty with Mr. Canfield.

Mr. Eberharter with Mr. Corbett.

Mr. Kennedy with Mr. Dolliver.

Mr. Donohue with Mr. Crawford.

Mr. Frazier with Mr. Riehlman.

Mr. Lane with Mr. Sadlak.

Mrs. Norton with Mrs. St. George.

Mr. Ribicoff with Mr. Hand.

Mr. Patten with Mr. Hugh D. Scott, Jr.

Mr. O'Neill with Mr. Miller of Nebraska.

Mr. Gorski with Mr. Cole of New York.

Mr. Hays of Ohio with Mr. Gwinn.

Mr. Hays of Arkansas with Mr. Edwin Arthur Hall.

Mr. Burton with Mr. Morton.

Mr. Abbott with Mr. Leonard W. Hall.

Mr. Byrne of New York with Mr. Chipfield.

Mr. Barrett of Pennsylvania with Mr. Smith of Kansas.

Mr. Chudoff with Mr. Patterson.

Mr. Cavalcante with Mr. McCulloch.

Mrs. Woodhouse with Mrs. Bolton of Ohio.

Mr. Boggs of Louisiana with Mr. Lichtenwalter.

Mr. Denton with Mr. Mason.

Mr. Kelley of Pennsylvania with Mr. Fel-lows.

Mr. Burke with Mr. Gamble.

Mr. Smathers with Mr. Golden.

Mr. Davies of New York with Mr. Johnson.

Mr. Shelley with Mr. Scudder.

Mr. Morgan with Mr. Stockman.

Mr. Linehan with Mr. Poulson.

Mr. Bates of Kentucky with Mr. Nelson.

Mr. Gregory with Mr. Goodwin.

Mr. Colmer with Mr. Hale.

Mr. Jones of Missouri with Mr. Jenison.

Mr. Herlong with Mr. Sanborn.

Mr. Regan with Mr. August H. Andersen.

Mr. Underwood with Mr. Barrett of Wyoming.

Mrs. Douglas with Mr. Engel of Michigan.

Mr. Harris with Mr. Jennings.

Mr. Sadowski with Mr. Vorys.

Mr. Wheeler with Mr. Keefe.

Mr. Engle of California with Mr. McMillen of Illinois.

Mr. Bailey with Mr. Murray of Wisconsin.

Mr. Furcolo with Mr. Rich.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE TO EXTEND REMARKS

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

#### AMENDING THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 741 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 9129) to amend the Federal Property and Administrative Services Act of 1949, and for other purposes. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Expenditures in the Executive Departments, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

(Mr. MADDEN asked and was given permission to revise and extend his remarks.)

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. Speaker, this bill calls for the rounding out and perfecting of the existing authority for the General Services Administration. It is a piece of legislation that has been long demanded in order to have an efficient business administration of our public records, so as to keep a complete and simplified file of all governmental records.

It has the specific recommendation of the Committee on Organization for the Executive Branch of the Government. It also has the recommendation of the Hoover Commission and will cut down the cost so far as Government paper work is concerned. It is astounding when you realize the amount of paper work which is done by our Government. The files and paper work of our Government is enormously complex and costly. In the District of Columbia the Government owns or leases over 30,000,000 square feet of floor space and 5,000,000 square feet of that floor space is taken up with the files. Nine-tenths of the Federal employees are out in the field on assignments and there are over 40,000 offices throughout the country. The paper used by the Government amounts to between 7 and 10 carloads daily. There are over 800,000 typewriters used by the Government.

Mr. Speaker, there is no opposition to this bill. This bill was reported out, as I said, unanimously by the committee and has received the endorsement of the Hoover Commission, the Bureau of the Budget, the Comptroller General, and the General Services Administration.

I believe that the gentleman from Illinois, Chairman DAWSON, and the gentleman from California, Chairman HOLIFIELD of the subcommittee and its sponsor, the gentleman from Missouri [Mr. BOLLING], the gentleman from Michigan [Mr. HOFFMAN], the gentleman from Indiana [Mr. HARVEY], and all the other members of the committee ought to be commended on the excellent work they have done on this legislation. The enactment into law of this bill will save the Government a great deal of money. It is legislation that has been necessary for a long, long time.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may require.

(Mr. BROWN of Ohio asked and was given permission to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, as the gentleman from Indiana [Mr. MADDEN] has explained, this resolution, House Resolution 741, makes in order under an open rule the bill H. R. 9129, to amend the Federal Property and Administrative Services Act of 1949, and for other purposes.

As the gentleman so well explained, this simply rounds out the recommendations made by the Hoover Commission so that we may get greater economy and efficiency and obtain better records management through the General Services Administration.

You will perhaps remember that in 1949 we did establish the General Services Administration which has as one of its responsibilities the control of Government records.

This bill is entirely in line with the recommendations of the Hoover Commission. It has the endorsement of various members of the Commission, as well as of the task force which was named by the Commission to make a study of records management. It is one of the few measures to come before this body which will save money instead of



requiring the expenditure of more public funds.

I want to impress upon the membership of the House, if I may, that the enactment of this legislation will bring about not only a better system of keeping our public records, but will also bring about greater economy and efficiency in the conduct of our public business.

So it is with a great deal of enthusiasm that I ask for the adoption of this rule. I also hope there will be a unanimous vote in favor of the bill.

Mr. WOLVERTON. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield.

Mr. WOLVERTON. I am in full accord with the statement that the gentleman has made with reference to the necessity for this legislation. The importance of this measure was impressed upon me last evening by an article which I read in Reader's Digest which stated that recently a check had been made of what comes in and goes out of the city of Washington by rail, and it developed that the greatest single cargo out of Washington was baled waste paper, and the largest cargo coming in was stationery.

Mr. BROWN of Ohio. The gentleman from New Jersey [Mr. WOLVERTON] is correct in his statement. The gentleman from New Jersey served on a committee, on which I also had the honor to serve, which investigated the use of paper by the Federal Government during the war. Through the efforts of that committee, which I remember was headed by the gentleman from Oklahoma, Mr. Boren, we greatly reduced the use of paper by the Federal Government, but there is undoubtedly still a great deal of paper used by the Federal Government unnecessarily. Certainly a large portion of this paper, although not the greatest portion, does go into the carbon copies of correspondence and records which are filed away. As the gentleman from Indiana [Mr. MADDEN] has well explained, we have millions upon millions of feet of storage space taken up by records which are kept, many of them unnecessarily. This bill provides and requires for the establishment of certain record centers, in which the records of the Government will be consolidated and kept, as well as checked, as accurately as possible, so many of them may be eliminated. We can save millions of dollars a year by proper record management in the Federal Government. This legislation will be a long step toward getting the efficiency and economy we all seek, and that the Hoover Commission recommended, in connection with the keeping of our records of Government business.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield.

Mr. CASE of South Dakota. I note that the bill takes a very great many legislative provisions that have been carried in the general provisions of the independent offices appropriation bill on the administration and care of property, and apparently it does clarify and make uniform the regulations. I am particu-

larly interested in the inclusion of section 211, which appears on page 12, providing for identification of motor vehicles, required and used for official purposes. I might say that this ought to correct a very grave abuse that has occurred in some agencies in the use of Federal automobiles for nonofficial purposes. I certainly commend the inclusion of section 211.

Mr. BROWN of Ohio. I thank the gentleman from South Dakota very much. I agree with him that is a very important section in this particular piece of legislation.

I would like to remark, if I may, to the gentleman from South Dakota [Mr. CASE], and to the other Members, that it will be much easier in the future to find the Government records we seek, and to get the information the Congress may desire from the records of the Government, because this bill will make one agency responsible for the management of the records, which should be able to find the material and the information within the records, instead of making necessary, as has been true so often in the past, a sort of a needle-in-the-haystack search throughout all the different agencies and Government records, in and out of various storage places, to find some Government record badly needed here.

So I am sure there is no opposition to this bill. I understand that the Committee on Expenditures—and I would like to be corrected if I am wrong—were unanimous in reporting this bill. That is one of the measures that the committee has been able, in a unanimous way, to support. I hope that the House of Representatives does likewise, and that this bill will be passed by the vote of every individual Member present, for it is a long step toward attaining greater economy and efficiency we were seeking when we established the Hoover Commission.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield.

Mr. McCORMACK. May I say in connection with the last observation made by the gentleman that the Committee on Expenditures, of which I happen to be a member, and I am proud to be a member, has approached all questions without regard to political considerations.

Mr. BROWN of Ohio. I think that is correct.

Mr. McCORMACK. It is really an unusual committee. I am proud of all the members on both sides. The very conduct of the committee and the fine spirit, the nonpartisan or bipartisan approach, whichever you term it, is a credit; and, due to a large extent to the able and scholarly and considerate leadership of the gentleman from Illinois [Mr. Dawson].

Mr. BROWN of Ohio. I thank the gentleman from Massachusetts [Mr. McCORMACK] for his contribution. I am sure we can all agree that the Expenditures Committee and its chairman, the gentleman from Illinois [Mr. Dawson] are very much interested in obtaining economy and efficiency in government; that the committee has done its work well; and that its chairman has been a

splendid influence within that committee for good legislation.

I am simply attempting to point out that this is one bill on which there has been no difference of opinion as to how best to obtain the objective desired; that every member of the Expenditures Committee has found this to be good legislation and of real merit. So I am hoping, Mr. Speaker, this rule will be adopted unanimously, and that the bill will be enacted promptly.

I have no further requests for time.

Mr. MADDEN. Mr. Speaker, I yield such time to the gentleman from Massachusetts as he may desire.

Mr. McCORMACK. Mr. Speaker, on August 2, 1946, the gentleman from Mississippi [Mr. COLMER] made a very fine speech in the House entitled "What About Russia?" It was a very prophetic speech. I think it is very appropriate and timely to insert it in the RECORD now, because 4 years ago he looked ahead and saw a lot of conditions existing in the world today.

I ask unanimous consent that the speech of the gentleman from Mississippi [Mr. COLMER], made on August 2, 1946, be inserted in the Appendix of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. MADDEN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

Mr. DAWSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 9129) to amend the Federal Property and Administrative Services Act of 1949, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 9129) amending the Federal Property and Administrative Services Act of 1949, with Mr. BATTLE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Illinois is entitled to 30 minutes and the gentleman from Indiana to 30 minutes.

[Mr. DAWSON addressed the Committee. His remarks will appear hereafter in the Appendix.]

Mr. HARVEY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, as has been stated before so ably by the previous speakers, this bill is not controversial. It is supplemental legislation amendatory to Public Law 152, the general housekeeping law that we passed last year. This bill is sort of a buttress piece of legislation that will make the law we passed last year much more effective and workable.



As has been stated, the gentleman from Missouri [Mr. BOLLING] offered the bill and is to be congratulated.

At one point in the reading of the bill I have an amendment that has met with the approval of the entire committee which I will offer and which will be self-explanatory.

(Mr. HARVEY asked and was given permission to revise and extend his remarks.)

Mr. HOLIFIELD. Mr. Chairman, I yield myself such time as I may desire.

Mr. Chairman, this is a noncontroversial bill, so far as I know. We have worked out the details of the bill in line with suggestions from the Hoover Commission, the Citizens Committee for the Hoover Report, the Bureau of the Budget, the General Services Administration, and the General Accounting Office. We think we have a very good bill here, one that will save money instead of causing the Government to spend money.

It is essentially a records-management bill, beginning with section 6; however, in the bill there are also some amendments which the efficient operation of the General Services Administration make it desirable and necessary to offer. Some of the amendments have no direct connection with the records-management section of the bill, which is the major section of the bill; however, because these are the closing days of Congress we thought it would be wise to include them due to the fact that they are all amendments to the basic Federal Property and Administrative Services Act of 1949, now Public Law 152.

With this bill we will give the General Services Administrator the tools necessary for him to save the Government many millions of dollars. You know, the increase of records has been astounding. We have over 18,500,000 cubic feet of records, and most of these records are in file cases. Each one of these file cases the Hoover Commission estimated cost the Government \$29 a year.

Many of those records can be transferred to record-management centers. This bill provides for the setting up of record-management centers on a regional basis. It is estimated we can possibly use some of the white elephant wartime buildings that were built for this purpose. The estimate of the Hoover Commission was that the records that are now in a 4-foot-high filing case could be transferred to record centers and thereby reduce the cost to the Government from \$29 to \$2.15 on the records cost of each case.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Chairman, I feel that the gentleman and his committee have rendered a very fine service in bringing this bill before us. I am glad to see it come here with the united backing of the committee. It is obvious that it is good legislation, that it is going to be very helpful legislation. There is one part of the bill I am particularly interested in, and I would like to have the gentleman's comments on it. I refer to

the section of the bill which provides a method for the distribution of surplus Government commodities to the hospitals of the country in the same way in which Government surplus commodities may now be distributed to the schools of the country. As my friend knows, the gentleman from Florida [Mr. ROGERS] and I appeared before his subcommittee and supported that section. I wish my friend would touch on it.

Mr. HOLIFIELD. The section that the gentleman from Florida [Mr. SIKES] speaks of its taken almost verbatim from bills which have heretofore been introduced by him and by the gentleman from Florida [Mr. ROGERS]. They sought to restore to the General Services Administration the right to make available surplus property to tax-supported hospitals, health clinics, and different types of health organizations—which are clearly outlined in the bill—giving them the same right to come and ask for such surplus property, as might be available and usable, on the same basis that the educational institutions in our country have been allowed to come and ask for surplus property. This was provided for in the earlier Surplus Property Act. It was inadvertently left out previously, and the wisdom of restoring this section has appealed to all of the members of the committee on both sides. While there is not a great deal of this type of surplus property available at the present time, there may be considerable surplus property generated through the present enlarged expenditures for defense purposes. This bill will grant to some small hospitals and health centers in small towns, and in the large towns for that matter, throughout the Nation, a chance to get some of this material. But, remember that it only becomes surplus after it has been thoroughly screened by the General Services Administrator and offered to every other Government agency. It is excess until it is offered to them, and when no one takes it, it becomes surplus. At that time it can be donated by the General Services Administration on the same basis that material is now donated to the educational institutions of the country.

I want to compliment the gentlemen from Florida [Mr. SIKES and Mr. ROGERS] for introducing their bill far in advance of our records management bill, and also thank them for their assistance in drafting this particular legislation.

Unless there are some questions on this bill, which is a rather technical bill, I do not have much more to say. The provisions are carefully drawn, and as long as there is no controversy, I do not care to take the time of the House in going through a long and tedious explanation of technical provisions. I will be willing to answer any question that is asked. If there are no questions, I will yield back the balance of my time.

Mr. HARVEY. Mr. Chairman, I yield such time as he may desire to the gentleman from New Jersey [Mr. WOLVERTON].

(Mr. WOLVERTON asked and was given permission to revise and extend his remarks.)

Mr. WOLVERTON. Mr. Chairman, I am in full accord with the pending bill and give it my support.

The purpose of the bill is to enable the General Services Administration of the Government to simplify and better systematize Government records. It is in accord with the recommendations of the Hoover Commission on Organization of the Executive Branch of the Government. The proposed legislation is designed to cut down the cost and quantity of Government paper work.

This measure also incorporates certain clarifying and technical amendments relating to other statutory duties of the General Services Administration which are considered necessary for more efficient performance of those duties.

The urgent need for a comprehensive and effective program for records management is made plain by the findings and recommendations of the Commission on Organization and the report of its task force on records management.

Today in the Federal Government the handling of paper work in the conduct of public business is enormous, complex, and costly. The Bureau of the Budget reports that in the District of Columbia alone the Federal Government owns or leases in excess of 30,000,000 square feet of space; about 5,000,000 square feet, or 16½ percent of the total, are taken up by files. When it is considered that nine-tenths of the Federal employees are in field assignments, in some 40,000 offices throughout the country, the magnitude of the files problem is readily apparent. In the large cities of our Nation, where many Federal offices are located, the records management problems are almost as acute as those encountered by the Federal Government in the Washington area.

Each day sees large additions of material to the present tremendous accumulation of Government files.

Seven to ten carloads of paper stock arrive daily at the Government Printing Office. In large part, this paper is prepared for the requirements of the various governmental agencies. Federal agencies use an estimated 100,000 different kinds of forms; 80 to 95 percent are specific agency forms; the remaining 5 to 20 percent are standard forms. Clearly this field offers a vast opportunity for standardization.

To add to the output of forms of the Government Printing Office, 800,000 Government typewriters daily produce myriads of letters; the mimeographs, multigraphs, and other machines make millions of copies of Government documents, forms, contracts, and other papers. Clippings from newspapers, magazines, and other periodicals add to the great mass of material which goes into the files.

The Bureau of the Budget cites this striking hypothetical example from one administrative department: That agency has 20,000,000 individual file cases or folders. If one sheet of paper were to be added to each folder, 40,000 reams of paper would be used, or about 80,000 inches—6,600 feet. In other words, more than a mile of file space would be



required merely to add one sheet of paper to each folder. This is illustrative of only one administrative department.

A number of agencies besides the administration to which I have referred have individual cases that run into the millions.

The committee of Congress having jurisdiction in the matter has given careful study to the proposed legislation and is unanimous in urging its enactment. The Citizens' Committee for the Hoover Report, experts in records management, and the Bureau of the Budget, the Comptroller General of the United States, and the General Services Administrator are all in full accord as to the need and importance of this measure.

This bill will result in a more orderly and efficient administration of the records of Federal agencies and will facilitate the performance by the administrator of his functions with respect to supply and building management activities. It is also evident that substantial economies will be effected by the enactment of this bill. It deserves the support of the Congress.

Mr. HOLIFIELD. Mr. Chairman, I yield such time as he may desire to the gentleman from Missouri [Mr. BOLLING], the author of this bill.

Mr. BOLLING. Mr. Chairman, there seems little point in further elaborating on this subject, since there is no opposition to it. I would like to point out, however, that in addition to the work done by the members of the subcommittee and the contribution made by the gentlemen from Florida [Mr. SIKES and Mr. ROGERS], the gentleman from South Dakota [Mr. CASE] introduced legislation in substantially the same language as section 211 on page 12 which deals with motor vehicle identification. The gentleman from Illinois [Mr. O'HARA] also contributed a section and an idea to the bill in rounding out the activity of the General Services Administration.

I do think it is important to make clear in the RECORD, one additional fact. In addition to providing means for the storage and disposal on the most economical basis possible of the vast volume of Government records which we now have, this bill will have an impact on the basic and fundamental problem in all of records management, that is, the creation of new records. There is provision herein for a system to be set up which will enable Government agencies to gradually reduce the rather hit-or-miss creation of records which we now have.

We are hopeful that this will lead not only to economy in the storage of the present heavy volume of records but to future economies in that fewer records will be created than there would be without the passage of this legislation.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

*Be it enacted, etc.,* That the parenthetical expression appearing in clause (1) of the final sentence of subsection (a) of section 109 of the Federal Property and Administrative Services Act of 1949 (Public Law 152, Eighty-first Congress) is amended to read as follows:

"(including the purchase from or through the Public Printer, for warehouse issue, of standard forms, blankbook work, standard specifications, and other printed material in common use by Federal agencies not available through the Superintendent of Documents)."

SEC. 2. (a) Clause (2) of the final sentence of subsection (a) of section 109 of the Federal Property and Administrative Services Act of 1949, as hereinbefore amended, is amended to read as follows: "(2) for paying the purchase price, transportation to first storage point of supplies and services, and the cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property."

(b) The third sentence of subsection (b) of section 109 of such act is amended to read as follows: "On and after such date, such prices shall be fixed at levels so as to recover so far as practicable the applicable purchase price, the transportation cost to first storage point, inventory losses, the cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property, and the cost of amortization and repair of equipment utilized for lease or rent to executive agencies."

(c) The amendments made by this section shall be effective on the date, not earlier than July 1, 1950, on which the Administrator of General Services shall determine that appropriated funds adequate to effectuate the purposes of such amendments have been made available.

SEC. 3. (a) The final sentence of subsection (b) of section 109 of the Federal Property and Administrative Services Act of 1949 is amended to read as follows: "Where an advance of funds is not made, the General Services Administration shall be reimbursed promptly out of funds of the requisitioning agency in accordance with accounting procedures approved by the Comptroller General: *Provided*, That in any case where payment shall not have been made by the requisitioning agency within 45 days after the date of billing by the Administrator or the date on which an actual liability for supplies or services is incurred by the Administrator, whichever is the later, reimbursement may be obtained by the Administrator by the issuance of transfer and counterwarrants, or other lawful transfer documents, supported by itemized invoices."

(b) Section 109 of the Federal Property and Administrative Services Act of 1949 is amended by adding at the end thereof the following new subsection:

"(g) The Administrator of General Services is authorized in his discretion to charge vendors and producers of commodities considered for purchase such fees as he shall determine to be reasonable for testing such commodities for conformance to specifications and standards, and such fees may be deposited in the General Supply Fund and used to defray the expenses of conducting such tests as the Administrator may prescribe."

SEC. 4. Paragraphs (1) and (2) of section 203 (j) of the Federal Property and Administrative Services Act of 1949 are amended to read as follows:

"(1) Under such regulations as he may prescribe, the Administrator is authorized in his discretion to donate for educational purposes or public health purposes, including research, in the States, Territories, and possessions without cost (except for costs of care and handling) such equipment, materials, books, or other supplies under the control of any executive agency as shall have been determined to be surplus property and which shall have been determined under paragraph (2) or paragraph (3) of this subsection to be usable and necessary for educational purposes or public health purposes, including research.

"(2) Determination whether such surplus property (except surplus property donated in conformity with paragraph (3) of this subsection) is usable and necessary for educational purposes or public health purposes, including research, shall be made by the Federal Security Administrator, who shall allocate such property on the basis of needs and utilization for transfer by the Administrator of General Services to tax-supported medical institutions, hospitals, clinics, health centers, school systems, schools, colleges, and universities, and to other non-profit medical institutions, hospitals, clinics, health centers, schools, colleges, and universities which have been held exempt from taxation under section 101 (6) of the Internal Revenue Code, or to State departments of education or health for distribution to such tax-supported and non-profit medical institutions, hospitals, clinics, health centers, school systems, schools, colleges, and universities; except that in any State where another agency is designated by State law for such purpose such transfer shall be made to said agency for such distribution within the State."

SEC. 5. The Federal Property and Administrative Services Act of 1949 is amended by—

(a) redesignating section 210 thereof as section 212, and wherever such section number appears in such act as originally enacted, it is amended to conform to the redesignation prescribed by this subsection;

(b) inserting in the table of contents appearing in the first section of such act, immediately after the line in which "Sec. 209." appears, the following:

"Sec. 210. Operation of buildings and related activities.

"Sec. 211. Motor vehicle identification."

(c) inserting, immediately after section 209 thereof, the following new sections:

#### "OPERATION OF BUILDINGS AND RELATED ACTIVITIES

"SEC. 210. (a) Whenever and to the extent that the Administrator has been or hereafter may be authorized by any provision of law other than this subsection to maintain, operate, and protect any building, property, or grounds situated in or outside the District of Columbia, including the construction, repair, preservation, demolition, furnishing, and equipment thereof, he is authorized in the discharge of the duties so conferred upon him—

"(1) to purchase, repair, and clean uniforms for civilian employees of the General Services Administration who are required by law or regulation to wear uniform clothing;

"(2) to furnish arms and ammunition for the protection force maintained by the General Services Administration;

"(3) to pay ground rent for buildings owned by the United States or occupied by Federal agencies, and to pay such rent in advance when required by law or when the Administrator shall determine such action to be in the public interest;

"(4) to employ and pay personnel employed in connection with the functions of operation, maintenance, and protection of property at such per diem rates as may be approved by the Administrator, not exceeding rates currently paid by private industry for similar services in the place where such services are performed;

"(5) without regard to the provisions of section 322 of the act of June 30, 1932 (47 Stat. 412), as amended, to pay rental, and to make repairs, alterations, and improvements under the terms of any lease entered into by, or transfer to, the General Service Administration for the housing of any Federal agency which on June 30, 1950, was specifically exempted by law from the requirements of said section;

"(6) to obtain payments, through advances or otherwise, for services, space,



quarters, maintenance, repair, or other facilities furnished, on a reimbursable basis, to any other Federal agency, or any mixed-ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, and to credit such payments to the applicable appropriation of the General Services Administration;

"(7) to make changes in, maintain, and repair the pneumatic tube system connecting buildings owned by the United States or occupied by Federal agencies in New York City installed under franchise of the city of New York, approved June 29, 1909, and June 11, 1928, and to make payments of any obligations arising thereunder in accordance with the provisions of the acts approved August 5, 1909 (36 Stat. 120), and May 15, 1928 (45 Stat. 533);

"(8) to repair, alter, and improve rented premises, without regard to the 25 percent limitation of section 322 of the act of June 30, 1932 (47 Stat. 412), as amended, upon a determination by the Administrator that by reason of circumstances set forth in such determination the execution of such work, without reference to such limitation is advantageous to the Government in terms of economy, efficiency, or national security. A copy of every such determination shall be furnished to the General Accounting Office;

"(9) to pay sums in lieu of taxes on real property declared surplus by Government corporations, pursuant to the Surplus Property Act of 1944, where legal title to such property remains in any such Government corporation;

"(10) to furnish utilities and other services where such utilities and other services are not provided from other sources to persons, firms, or corporations occupying or utilizing plants or portions of plants which constitute (A) a part of the National Industrial Reserve pursuant to the National Industrial Reserve Act of 1948, or (B) surplus real property, and to credit the amounts received therefrom to the applicable appropriation of the General Services Administration;

"(11) at the direction of the Secretary of Defense, to use proceeds received from insurance against damage to properties of the National Industrial Reserve for repair or restoration of the damaged properties; and

"(12) to acquire, by purchase, condemnation, or otherwise, real estate and interests therein.

"(b) At the request of any Federal agency or any mixed-ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, the Administrator is hereby authorized to operate, maintain, and protect any building owned by the United States (or, in the case of any wholly owned or mixed-ownership Government corporation, by such corporation) and occupied by the agency or instrumentality making such request.

"(c) At the request of any Federal agency or any mixed-ownership corporation (as defined in the Government Corporation Control Act), the District of Columbia, the Administrator is hereby authorized (1) to acquire land for buildings and projects authorized by the Congress; (2) to make or cause to be made, under contract or otherwise, surveys and test borings and to prepare plans and specifications for such buildings and projects prior to the approval by the Attorney General of the title to the sites thereof; and (3) to contract for, and to supervise, the construction and development and the equipping of such buildings or projects. Any sum available to any such Federal agency or instrumentality for any such building or project may be transferred by such agency to the General Services Administration in advance for such purposes as the Administrator shall determine to be necessary, including the payment of salaries and expenses of personnel engaged in the preparation of plans and specifications or in field

supervision, and for general office expenses to be incurred in the rendition of any such service.

"(d) Whenever the Director of the Bureau of the Budget shall determine such action to be in the interest of economy or efficiency, he shall transfer to the Administrator all functions then vested in any other Federal agency with respect to the operation, maintenance, and custody of any office building owned by the United States or any wholly owned Government corporation, or any office building or part thereof occupied by any Federal agency under any lease, except that no transfer shall be made under this subsection—

"(1) of any post-office building unless the Director shall first determine that such building is not used predominantly for post-office purposes, and functions which are transferred hereunder to the Administrator with respect to any post-office building may be delegated by him only to another officer or employee of the General Services Administration or to the Postmaster General;

"(2) of any building located in any foreign country;

"(3) of any building located on the grounds of any fort, camp, post, arsenal, navy yard, naval training station, airfield, proving ground, military supply depot, or school, or of any similar facility of the Department of Defense, unless and to such extent as a permit for its use by another agency or agencies shall have been issued by the Secretary of Defense or his duly authorized representative;

"(4) of any building which the Director of the Bureau of the Budget finds to be a part of a group of buildings which are (A) located in the same vicinity, (B) utilized wholly or predominantly for the special purposes of the agency having custody thereof, and (C) not generally suitable for the use of other agencies;

"(5) of the Treasury Building, the Bureau of Engraving and Printing Building, the buildings occupied by the National Bureau of Standards, and the buildings under the jurisdiction of the regents of the Smithsonian Institution; or

"(6) of the office buildings of the Senate and House of Representatives, the building occupied by the Supreme Court of the United States, the buildings occupied by the Library of Congress and the Columbia Hospital in the District of Columbia, and any other buildings and grounds under the jurisdiction of the Architect of the Capitol.

#### "MOTOR VEHICLE IDENTIFICATION

"Sec. 211. Under regulations prescribed by the Administrator, every motor vehicle acquired and used for official purposes within the United States, its Territories, or possessions, by any Federal agency or the District of Columbia shall be conspicuously identified by showing thereon either (a) the full name of the department, establishment, corporation, or agency by which it is used and the service in which it is used, or (b) a title descriptive of the service in which it is used if such title readily identifies the department, establishment, corporation, or agency concerned: *Provided*, That the regulations issued pursuant to this section may provide for exemptions from the requirement of this section when conspicuous identification would interfere with the purpose for which a vehicle is acquired and used."

Sec. 6. The Federal Property and Administrative Services Act of 1949 is amended by—

(a) redesignating "title V" of such act as "title VI" thereof, and "title V", wherever it appears therein, is amended to read "title VI";

(b) redesignating sections 501-505, inclusive, of such act, respectively, as sections 601-605, inclusive, thereof, and whenever any such section number appears in such act as originally enacted, it is amended to

conform in numbering to the redesignation prescribed by this subsection;

(c) inserting at the proper place in the table of contents to such act the following:

#### "TITLE V—FEDERAL RECORDS

"Sec. 501. Short title.

"Sec. 502. Custody and control of property.

"Sec. 503. National Historical Publications Commission.

"Sec. 504. Federal Records Council.

"Sec. 505. Records management; the Administrator.

"Sec. 506. Records management; agency heads.

"Sec. 507. Archival administration.

"Sec. 508. Reports.

"Sec. 509. Legal status of reproductions.

"Sec. 510. Limitation on liability.

"Sec. 511. Definitions."

(d) inserting, immediately following title IV thereof, the following new title:

#### "TITLE V—FEDERAL RECORDS

##### "SHORT TITLE

"Sec. 501. This title may be cited as the 'Federal Records Act of 1950.'

#### "CUSTODY AND CONTROL OF PROPERTY

"Sec. 502. The Administrator shall have immediate custody and control of the National Archives Building and its contents, and shall have authority to design, construct, purchase, lease, maintain, operate, protect, and improve buildings used by him for the storage of records of Federal agencies in the District of Columbia and elsewhere.

#### "NATIONAL HISTORICAL PUBLICATIONS COMMISSION

"Sec. 503. (a) There is hereby created a National Historical Publications Commission consisting of the Archivist (or an alternate designated by him), who shall be chairman; the Librarian of Congress (or an alternate designated by him); one Member of the United States Senate to be appointed, for a term of 4 years, by the President of the Senate; one Member of the House of Representatives to be appointed, for a term of 2 years, by the Speaker to the House of Representatives; one representative of the judicial branch of the Government to be appointed, for a term of 4 years, by the Chief Justice of the United States; one representative of the Department of State to be appointed, for a term of 4 years, by the Secretary of State; one representative of the Department of Defense to be appointed, for a term of 4 years, by the Secretary of Defense; two members of the American Historical Association to be appointed council of the said association, one of whom shall serve an initial term of 2 years and the other an initial term of 3 years, but their successors shall be appointed for terms of 4 years; and two other members outstanding in the fields of the social or physical sciences to be appointed by the President of the United States, one of whom shall serve an initial term of 1 year and the other an initial term of 3 years, but their successors shall be appointed for terms of 4 years. The Commission shall meet annually and on call of the Chairman.

"(b) Any person appointed to fill a vacancy in the membership of the Commission shall be appointed only for the unexpired term of the member whom he shall succeed, and his appointment shall be made in the same manner in which the appointment of his predecessor was made.

"(c) The Commission is authorized to appoint, without reference to the Classification Act of 1949 (Public Law 429, 81st Cong. approved Oct. 28, 1949), an executive director and such editorial and clerical staff as the Commission may determine to be necessary. Members of the Commission who represent any branch or agency of the Government shall serve as members of the Commission without additional compensa-



tion. All members of the Commission shall be reimbursed for transportation expenses incurred in attending meetings of the Commission, and all such members other than those who represent any branch or agency of the Government of the United States shall receive in lieu of subsistence en route to or from or at the place of such service, for each day actually spent in connection with the performance of their duties as members of such Commission, such sum, not to exceed \$25, as the Administrator shall prescribe.

"(d) The Commission shall make plans, estimates, and recommendations for such historical works and collections of sources as it deems appropriate for printing or otherwise recording at the public expense. The Commission shall also cooperate with and encourage appropriate Federal, State, and local agencies and nongovernmental institutions, societies, and individuals in collecting and preserving and, when it deems such action to be desirable, in editing and publishing the papers of outstanding citizens of the United States and such other documents as may be important for an understanding and appreciation of the history of the United States. The Chairman of the Commission shall transmit to the Administrator from time to time, and at least once annually, such plans, estimates, and recommendations as have been approved by the Commission.

#### "FEDERAL RECORDS COUNCIL

"SEC. 504. The Administrator shall establish a Federal Records Council, and shall advise and consult with the Council with a view to obtaining its advice and assistance in carrying out the purposes of this title. The Council shall include representatives of the legislative, judicial, and executive branches of the Government in such number as the Administrator shall determine, but such Council shall include at least four representatives of the legislative branch, at least two representatives of the judicial branch, and at least six representatives of the executive branch. Members of the Council representing the legislative branch shall be designated, in equal number, by the President of the Senate and the Speaker of the House of Representatives, respectively. Members of the Council representing the judicial branch shall be designated by the Chief Justice of the United States. The Administrator is authorized to designate from persons named by the head of any executive agency concerned, not more than one representative from such agency to serve as a member of the Council. Members of the Council shall serve without compensation, but shall be reimbursed for all necessary expenses actually incurred in the performance of their duties as members of the Council. The Council shall elect a chairman from among its own membership, and shall meet at least once annually.

#### "RECORDS MANAGEMENT; THE ADMINISTRATOR

"SEC. 505. (a) The Administrator shall make provisions for the economical and efficient management of records of Federal agencies (1) by analyzing, developing, promoting, and coordinating standards, procedures, and techniques, designed to improve the management of records, to insure the maintenance and security of records deemed appropriate for preservation, and to facilitate the segregation and disposal of records of temporary value, and (2) by promoting the efficient and economical utilization of space, equipment, and supplies needed for the purpose of creating, maintaining, storing, and servicing records.

"(b) The Administrator shall establish standards for the selective retention of records of continuing value, and assist Federal agencies in applying such standards to records in their custody; and he shall notify the head of any Federal agency of any actual, impending, or threatened unlawful removal,

defacing, alteration, or destruction of records in the custody of such agency that shall come to his attention, and assist the head of such agency in initiating action through the Attorney General for the recovery of such records as shall have been unlawfully removed and for such other redress as may be provided by law.

"(c) The Administrator is authorized to inspect or survey personally or by deputy the records of any Federal agency, as well as to make surveys of records management and records-disposal practices in such agencies, and shall be given the full cooperation of officials and employees of agencies in such inspections and surveys: *Provided*, That records, the use of which is restricted by or pursuant to law or for reasons of national security or the public interest, shall be inspected or surveyed in accordance with regulations promulgated by the Administrator, subject to the approval of the head of the custodial agency.

"(d) The Administrator is authorized to establish, maintain, and operate records centers for the storage, processing, and servicing of records for Federal agencies pending their deposit with the National Archives of the United States or their disposition in any other manner authorized by law; and to establish, maintain, and operate centralized microfilming services for Federal agencies.

"(e) Subject to applicable provisions of law, the Administrator shall promulgate regulations governing the transfer of records from the custody of one executive agency to that of another.

"(f) The Administrator may empower any Federal agency, upon the submission of evidence of need therefor, to retain records for a longer period than that specified in disposal schedules approved by Congress, and, in accordance with regulations promulgated by him, may withdraw disposal authorizations covering records listed in disposal schedules approved by Congress.

#### "RECORDS MANAGEMENT; AGENCY HEADS

"SEC. 506. (a) The head of each Federal agency shall cause to be made and preserved records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities.

"(b) The head of each Federal agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency. Such program shall, among other things, provide for (1) effective controls over the creation, maintenance, and use of records in the conduct of current business; (2) cooperation with the Administrator in applying standards, procedures, and techniques designed to improve the management of records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records of temporary value; and (3) compliance with the provisions of this title and the regulations issued thereunder.

"(c) Whenever the head of a Federal agency determines that substantial economies or increased operating efficiency can be effected thereby, he shall provide for the storage, processing, and servicing of records that are appropriate therefor in a records center maintained and operated by the Administrator or, when approved by the Administrator, in such a center maintained and operated by the head of such Federal agency.

"(d) Any official of the Government who is authorized to certify to facts on the basis of records in his custody, is hereby authorized to certify to facts on the basis of records that have been transferred by him or his predecessors to the Administrator.

"(e) The head of each Federal agency shall establish such safeguards against the removal or loss of records as he shall determine to be necessary and as may be required by regulations of the Administrator. Such safeguards shall include making it known to all officials and employees of the agency (1) that no records in the custody of the agency are to be alienated or destroyed except in accordance with the provisions of the act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434), and (2) the penalties provided by law for the unlawful removal or destruction of records.

"(f) The head of each Federal agency shall notify the Administrator of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency of which he is the head that shall come to his attention, and with the assistance of the Administrator shall initiate action through the Attorney General for the recovery of records he knows or has reason to believe have been unlawfully removed from his agency, or from any other Federal agency whose records have been transferred to his legal custody.

"(g) Nothing in this title shall be construed as limiting the authority of the Comptroller General of the United States with respect to prescribing accounting systems, forms, and procedures, or lessening the responsibility of collecting and disbursing officers for rendition of their accounts for settlement by the General Accounting Office.

#### "ARCHIVAL ADMINISTRATION

"SEC. 507. (a) The Administrator, whenever it appears to him to be in the public interest, is hereby authorized—

"(1) to accept for deposit with the National Archives of the United States the records of any Federal agency or of the Congress of the United States that are determined by the Archivist to have sufficient historical value to warrant their continued preservation by the United States Government;

"(2) to direct and effect, with the approval of the head of the originating agency (or if the existence of such agency shall have been terminated, then with the approval of his successor in function, if any), the transfer of records deposited (or approved for deposit) with the National Archives of the United States to public or educational institutions or associations: *Provided*, That the title to such records shall remain vested in the United States unless otherwise authorized by Congress; and

"(3) to direct and effect the transfer of materials from private sources authorized to be received by the Administrator by the provisions of subsection (e) of this section.

"(b) The Administrator shall be responsible for the custody, use, and withdrawal of records transferred to him: *Provided*, That whenever any records the use of which is subject to statutory limitations and restrictions are so transferred, permissive and restrictive statutory provisions with respect to the examination and use of such records applicable to the head of the agency from which the records were transferred or to employees of that agency shall thereafter likewise be applicable to the Administrator, the Archivist, and to the employees of the General Services Administration, respectively: *Provided further*, That whenever the head of any agency shall specify in writing restrictions that appear to him to be necessary or desirable in the public interest, on the use or examination of records being considered for transfer from his custody to the Administrator, the Administrator shall impose such restrictions on the records so transferred, and shall not remove or relax such restrictions without the concurrence in writing of the head of the agency from which the material shall have been transferred (or if the existence of such agency shall have been terminated, then he shall not remove or relax such restrictions without the concurrence of the



successor in function, if any, of such agency head): *Provided, however*, That statutory and other restrictions referred to in the provisos of this subsection shall not remain in force or effect after the records have been in existence for 50 years unless the Administrator by order shall determine with respect to specific bodies of records that such restrictions shall remain in force and effect for a longer period: *And provided further*, That restrictions on the use or examination of records deposited with the National Archives of the United States heretofore imposed and now in force and effect under the terms of section 3 of the National Archives Act, approved June 19, 1934, shall continue in force and effect regardless of the expiration of the tenure of office of the official who imposed them but may be removed or relaxed by the Administrator with the concurrence in writing of the head of the agency from which material has been transferred (or if the existence of such agency shall have been terminated, then with the concurrence in writing of his successor in function, if any).

"(c) The Administrator shall make provisions for the preservation, arrangement, repair, and rehabilitation, duplication and reproduction (including microcopy publications), description, and exhibition of records transferred to him as may be needful or appropriate, including the preparation and publication of inventories, indexes, catalogs, and other finding aids or guides facilitating their use; and, when approved by the National Historical Publications Commission, he may also publish such historical works and collections of sources as seem appropriate for printing or otherwise recording at the public expense.

"(d) The Administrator shall make such provisions and maintain such facilities as he deems necessary or desirable for servicing records in his custody that are not exempt from examination by statutory provisions or other restrictions.

"(e) The Administrator may accept for deposit—

"(1) the personal papers and other personal historical documentary materials of the present President of the United States, his successors, heads of executive departments, and such other officials of the Government as the President may designate, offered for deposit under restrictions respecting their use specified in writing by the prospective depositors: *Provided*, That restrictions so specified on such materials, or any portions thereof, accepted by the Administrator for such deposit shall have force and effect during the lifetime of the depositor or for a period not to exceed 25 years, whichever is longer, unless sooner terminated in writing by the depositor or his legal heirs: *And provided further*, That the Archivist determines that the materials accepted for such deposit will have continuing historical or other values;

"(2) motion-picture films, still pictures, and sound recordings from private sources that are appropriate for preservation by the Government as evidence of its organization, functions, policies, decisions, procedures, and transactions.

Title to materials so deposited under this subsection shall pass to and vest in the United States.

"(f) The Administrator is hereby authorized to make and preserve motion-picture films, still pictures, and sound recordings pertaining to and illustrative of the historical development of the United States Government and its activities, and to make provisions for preparing, editing, titling, scoring, processing, duplicating, reproducing, exhibiting, and releasing for nonprofit educational purposes, motion-picture films, still pictures, and sound recordings in his custody.

#### "REPORTS

"SEC. 508. (a) The Administrator is hereby authorized, whenever he deems it necessary,

to obtain reports from Federal agencies on their activities under the provisions of this title and the act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434).

"(b) The Administrator shall, whenever he finds that any provisions of this title have been or are being violated, inform in writing the head of the agency concerned of such violations and make recommendations regarding means of correcting them. Unless corrective measures satisfactory to the Administrator are inaugurated within a reasonable time, the Administrator shall submit a written report thereon to the President and the Congress.

#### "LEGAL STATUS OF REPRODUCTIONS

"SEC. 509. (a) Whenever any records that are required by statute to be retained indefinitely have been reproduced by photographic, microphotographic, or other processes, in accordance with standards established by the Administrator, the indefinite retention of such photographic, microphotographic, or other reproductions will be deemed to constitute compliance with the statutory requirement for the indefinite retention of such original records. Such reproductions, as well as reproductions made in compliance with regulations promulgated to carry out this title, shall have the same legal status as the originals thereof.

"(b) There shall be an official seal for the National Archives of the United States which shall be judicially noticed. When any copy or reproduction, furnished under the terms hereof, is authenticated by such official seal and certified by the Administrator, such copy or reproduction shall be admitted in evidence equally with the original from which it was made.

"(c) The Administrator may charge a fee not in excess of 10 percent above the costs or expenses for making or authenticating copies or reproductions of materials transferred to his custody. All such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund provided for in section 5 of the act approved July 9, 1941. There shall be no charge for making or authenticating copies or reproductions of such materials for official use by the United States Government: *Provided*, That reimbursement may be accepted to cover the cost of furnishing such copies or reproductions that could not otherwise be furnished.

#### "LIMITATION ON LIABILITY

"SEC. 510. With respect to letters and other intellectual productions (exclusive of material copyrighted or patented) after they come into the custody or possession of the Administrator, neither the United States nor its agents shall be liable for any infringement of literary property rights or analogous rights arising thereafter out of use of such materials for display, inspection, research, reproduction, or other purposes.

#### "DEFINITIONS

"SEC. 511. When used in this title—

"(a) The term 'records' shall have the meaning given to such term by section 1 of the act entitled 'An act to provide for the disposal of certain records of the United States Government', approved July 7, 1943 (57 Stat. 380, as amended; 44 U. S. C. 366);

"(b) The term 'records center' means an establishment maintained by the Administrator or by a Federal agency primarily for the storage, servicing, security, and processing of records that must be preserved for varying periods of time and need not be retained in office equipment and space;

"(c) The term 'servicing' means making available for use information in records and other materials in the custody of the Administrator—

"(1) by furnishing such records or other materials, or information from such records or other materials, or copies or reproductions

thereof to agencies of the Government for official use and to the public; and

"(2) by making and furnishing authenticated or unauthenticated copies or reproductions of such records and other materials;

"(d) The term 'National Archives of the United States' means those official records that have been determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government, and have been accepted by the Administrator for deposit in his custody;

"(e) The term 'unauthenticated copies' means exact copies or reproductions of records or other materials that are not certified as such under seal and that need not be legally accepted as evidence; and

"(f) The term 'Archivist' means the Archivist of the United States."

SEC. 7. The Federal Property and Administrative Services Act of 1949 is further amended by—

(a) striking out the word "and" preceding "(2)" in subsection (d) of section 3 thereof; substituting a semicolon for the period at the end of said subsection; and adding at the end of such subsection the following: "and (3) records of the Federal Government";

(b) striking out, in section 208 (a) thereof, the expression "and V," and inserting in lieu thereof the expression "V, and VI";

(c) striking out, in section 208 (b) thereof, the expression "and V," and inserting in lieu thereof the expression "V, and VI";

(d) striking out the word "and" at the end of paragraph (30) of section 602 (a); striking out the period at the end of paragraph (31) of section 602 (a) and inserting in lieu thereof a semicolon; and adding at the end of section 602 (a) the following new paragraphs:

"(32) the act entitled 'An act to establish a National Archives of the United States Government, and for other purposes,' approved June 19, 1934 (48 Stat. 1122-1124; as amended; 44 U. S. C. 300, 300a); and

"(33) section 4 of the act of February 3, 1905 (33 Stat. 687, as amended; 5 U. S. C. 77)."

(e) amending subsections 602 (b) and (c) thereof to read as follows:

"(b) There are hereby superseded—

"(1) the provisions of the first, third, and fifth paragraphs of section 1 of Executive Order No. 6166 of June 10, 1933, insofar as they relate to any function now administered by the Bureau of Federal Supply except functions with respect to standard contract forms; and

"(2) sections 2 and 4 of the act entitled 'An act to provide for the disposal of certain records of the United States Government,' approved July 7, 1943 (57 Stat. 381, as amended; 44 U. S. C. 367 and 369), to the extent that the provisions thereof are inconsistent with the provisions of title V of this act.

"(c) The authority conferred by this act shall be in addition and paramount to any authority conferred by any other law and shall not be subject to the provisions of any law inconsistent herewith, except that sections 205 (b) and 206 (c) of this act shall not be applicable to any Government corporation or agency which is subject to the Government Corporation Control Act (59 Stat. 597; 31 U. S. C. 841)."

(f) amending paragraphs (17), (18), and (19) of section 602 (d) thereof to read as follows:

"(17) the Central Intelligence Agency; or

"(18) the Joint Committee on Printing, under the act entitled 'An act providing for the public printing and binding and the distribution of public documents' approved January 12, 1895 (28 Stat. 601), as amended, or any other act; or

"(19) for such period of time as the President may specify, any other authority of any executive agency which the President de-



termines within 1 year after the effective date of this act should, in the public interest, stand unimpaired by this act."

(g) striking out the period at the end of section 603 (a) thereof and inserting in lieu thereof a comma and the following: "including payment in advance, when authorized by the Administrator, for library memberships in societies whose publications are available to members only, or to members at a price lower than that charged to the general public."

SEC. 8. (a) Subsection 3 (b) of the Federal Property and Administrative Services Act of 1949 is amended to read as follows:

"(b) The term 'Federal agency' means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction)."

(b) Section 201 (b) of the Federal Property and Administrative Services Act of 1949 is amended by striking out the expression "or the Senate, or the House of Representatives,".

(c) Section 602 of the Federal Property and Administrative Services Act of 1949 is amended by redesignating subsection (e) thereof of subsection (f), and inserting, immediately after subsection (d) thereof, the following new subsection:

"(e) No provision of this act as originally enacted or as herein amended shall apply to the Senate or the House of Representatives (including the Architect of the Capitol and any building, activity, or function, under his direction), but any of the services and facilities authorized by this act to be rendered or furnished shall, as far as practicable, be made available to the Senate, the House of Representatives, or the Architect of the Capitol, upon their request, and, if payment would be required for the rendition or furnishing of a similar service or facility to an executive agency, payment therefor shall be made by the recipient thereof, upon presentation of proper vouchers, in advance or by reimbursement (as may be agreed upon by the Administrator and the officer or body making such request). Such payment may be credited to the applicable appropriation of the executive agency receiving such payment."

SEC. 9. The Federal Property and Administrative Services Act of 1949, section 205 (h), is hereby amended by striking out the last word of the sentence "Title" and inserting in lieu thereof the word "Act".

SEC. 10. (a) Whenever any contract made on behalf of the Government by the head of any Federal agency, or by officers authorized by him to do so, includes a provision for liquidated damages for delay, the Comptroller General upon recommendation of such head is authorized and empowered to remit the whole or any part of such damages as in his discretion may be just and equitable.

(b) Section 306 of the Federal Property and Administrative Services Act of 1949, is hereby repealed, and this section shall be effective as of July 1, 1949.

SEC. 11. All laws or parts of laws in conflict with the amendments made by this act are, to the extent of such conflict, hereby repealed.

Mr. HOLIFIELD (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with and that the bill be open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Clerk will report to the committee amendments.

The Clerk read, as follows:

Committee amendments: Page 1, line 8, after the word "Printer", insert a comma.

Page 1, line 9, after the word "Issue", insert a comma.

Page 7, line 4, strike "transfer" and insert "transferred".

Page 8, line 8, after the word "security" strike the period and insert ": Provided, That such determination shall show that the total cost (rentals, repairs, alterations, and improvements) to the Government for the expected life of the lease shall be less than the cost of alternative space which needs no such repairs, alterations, or improvements."

Page 14, line 18, after the word "appointed", insert "by the".

Page 15, line 25, strike "Administrator" and insert "Commissioner".

Page 16, line 7, after the word "societies", insert a comma.

Page 16, line 13, after the word "time", insert a comma.

Page 16, line 25, after the word "branch", insert a comma.

Page 17, line 4, after word "Representatives", strike out the period and insert ", respectively."

Page 26, line 12, the first word "Title", should be extended to the full margin.

Page 30, line 2, strike the apostrophe after the word "Government".

Page 30, line 16, after the word "Government", strike the quotation and semicolon and insert ".,,".

Page 31, line 7, after "1124", strike the semicolon and insert a comma.

Page 31, line 8, after "300c-k", strike the semicolon and insert ".,,".

Page 32, line 11, strike "or".

Page 34, line 12, after the word "Administrative", insert "Services".

Page 35, line 2, after "1949", insert a comma.

Page 35, line 2, after the word "repealed", insert a comma.

The committee amendments were agreed to.

Mr. HARVEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HARVEY. Mr. Chairman, if I understand correctly, the second committee amendment, as read by the Clerk, is the same as the amendment I have at the desk which I intended to offer.

The CHAIRMAN. It is the same, with the exception of punctuation marks.

Mr. HARVEY. Then, Mr. Chairman, if the committee amendment is the same as the one I intended to offer, I shall not offer my amendment.

Mr. HOLIFIELD. Mr. Chairman, so that we may be positive the gentleman's amendment is covered, I ask unanimous consent that the amendment he intended to offer may be read by the Clerk.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. HARVEY: On page 8, in line 8, after the word "Security," strike out the period and insert the following: "Provided, That such determination shall show that the total cost (rentals, repairs, alterations, and improvements) to the Government for the expected life of the lease shall be less than the cost of alternative space which needs no such repairs, alterations, or improvements."

Mr. HARVEY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, by way of explanation and for the record, it should be explained here that this amends the portion of the act wherein the bill strikes out the previous restrictions concerning the amount of money which may be spent for alterations of leased space. The provision as it exists now in many instances worked extreme hardship on the Government and forced the Government to lease expensive space which they would not have had to do if they had had the benefit of such a provision.

However, we on the subcommittee—and I may say that the subcommittee was unanimous on this amendment—were reluctant to take the ceiling off. This amendment was prepared so that in the future there will not be the complaint made that when we took the ceiling off that no policy was set forth. I think this is a very good procedure, and in taking off the restriction, to begin with, it should have been circumscribed by this amendment so that the policy and intent of the Congress will be followed.

Mr. HOLIFIELD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, on this particular amendment I want to pay tribute to the gentleman from Indiana [Mr. HARVEY], who brought this matter to our attention. We went into it rather extensively and we had testimony which proved that by lifting of this particular limitation on repairs of buildings, we have been able to effect tremendous savings.

For instance, in the case of the Carson-Pirie-Scott building in Chicago we secured a building by repairing it for 93 cents a square foot instead of \$2.61 a square foot. In a Cincinnati building we are paying 53 cents, where corresponding quarters in the same city cost 83 cents. In Los Angeles we are paying 55 cents a square foot for a building where other space nearby is \$1.28. And so forth.

There are many justifications for this amendment and the gentleman from Indiana is the one who was responsible for it. I pay tribute to him for his watchfulness in presenting this.

Mr. HARVEY. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield.

Mr. HARVEY. I want to also mention the fact that it was brought out in the course of the investigation we made into this, that many times because we were not able to use cheap space, we were compelled in metropolitan areas particularly to rent very expensive office space. It is also space that is in great demand for offices of private enterprise. We are also doing a double favor in permitting our agencies to use the less expensive and less desirable places in our metropolitan areas.

Mr. HOLIFIELD. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. HARVEY] has expired.

Mr. HOLIFIELD. Mr. Chairman, I offer two perfecting amendments.



The Clerk read as follows:

Amendments offered by Mr. HOLIFIELD: Page 7, line 7, strike the word "to" and insert in lieu thereof the word "the."

Page 24, line 5, insert quotation marks at the beginning of subsection (e).

The amendments were agreed to.

The CHAIRMAN. Under the rule, the Committee will rise.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. BATTLE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H. R. 9129, pursuant to House Resolution 741, he reported the same back to the House with sundry amendments adopted in Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered. Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3959) to amend the Federal Property and Administrative Services Act of 1949, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill as follows:

*Be it enacted, etc.,* That the parenthetical expression appearing in clause (1) of the final sentence of subsection (a) of section 109 of the Federal Property and Administrative Services Act of 1949 (Public Law 152, 81st Cong.) is amended to read as follows: "(including the purchase from or through the Public Printer, for warehouse issue, of standard forms, blankbook work, standard specifications, and other printed material in common use by Federal agencies not available through the Superintendent of Documents)."

SEC. 2. (a) Clause (2) of the final sentence of subsection (a) of section 109 of the Federal Property and Administrative Services Act of 1949, as hereinbefore amended, is amended to read as follows: "(2) for paying the purchase price, transportation to first storage point of supplies and services, and the cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property."

(b) The third sentence of subsection (b) of section 109 of such act is amended to read as follows: "On and after such date, such prices shall be fixed at levels so as to recover so far as practicable the applicable purchase price, the transportation cost to first storage point, inventory losses, the cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property, and the cost of amortization and repair of equipment utilized for lease or rent to executive agencies."

(c) The amendments made by this section shall be effective on the date, not earlier than July 1, 1950, on which the Administrator of

General Services shall determine that appropriated funds adequate to effectuate the purposes of such amendments have been made available.

SEC. 3. (a) The final sentence of subsection (b) of section 109 of the Federal Property and Administrative Services Act of 1949 is amended to read as follows: "Where an advance of funds is not made, the General Services Administration shall be reimbursed promptly out of funds of the requisitioning agency in accordance with accounting procedures approved by the Comptroller General: *Provided*, That in any case where payment shall not have been made by the requisitioning agency within 45 days after the date of billing by the Administrator or the date on which an actual liability for supplies or services is incurred by the Administrator, whichever is the later, reimbursement may be obtained by the Administrator by the issuance of transfer and counterwarrants, or other lawful transfer documents, supported by itemized invoices."

(b) Section 109 of the Federal Property and Administrative Services Act of 1949 is amended by adding at the end thereof the following new subsection:

"(g) Whenever any producer or vendor shall tender any article or commodity for sale to the General Services Administration or to any procurement authority acting under the direction and control of the Administrator pursuant to this act, the Administrator is authorized in his discretion, with the consent of such producer or vendor, to cause to be conducted, in such manner as the Administrator shall specify, such tests as he shall prescribe to determine whether such article or commodity conforms to prescribed specifications and standards. When the Administrator determines that the making of such tests will serve predominantly the interest of such producer or vendor, he shall charge such producer or vendor a fee which shall be fixed by the Administrator in such amount as will recover the cost of conducting such tests, including all components of such cost, determined in accordance with accepted accounting principles. When the Administrator determines that the making of such tests will not serve predominantly the interest of such producer or vendor, he shall charge such producer or vendor such fee as he shall determine to be reasonable for the furnishing of such testing service. All such fees collected by the Administrator may be deposited in the General Supply Fund to be used for any purpose authorized by subsection 109 (a) of this act."

SEC. 4. Paragraphs (1) and (2) of section 203 (j) of the Federal Property and Administrative Services Act of 1949 are amended to read as follows:

"(1) Under such regulations as he may prescribe, the Administrator is authorized in his discretion to donate for educational purposes or public health purposes, including research, in the States, Territories, and possessions without cost (except for costs of care and handling) such equipment, materials, books, or other supplies under the control of any executive agency as shall have been determined to be surplus property and which shall have been determined under paragraph (2) or paragraph (3) of this subsection to be usable and necessary for educational purposes or public health purposes, including research.

"(2) Determination whether such surplus property (except surplus property donated in conformity with paragraph (3) of this subsection) is usable and necessary for educational purposes or public health purposes, including research, shall be made by the Federal Security Administrator, who shall allocate such property on the basis of needs and utilization for transfer by the Administrator of General Services to tax-supported medical institutions, hospitals, clinics, health centers, school systems, schools, colleges, and

universities, and to other nonprofit medical institutions, hospitals, clinics, health centers, schools, colleges, and universities which have been held exempt from taxation under section 101 (6) of the Internal Revenue Code, or to State departments of education or health for distribution to such tax-supported and nonprofit medical institutions, hospitals, clinics, health centers, school systems, schools, colleges, and universities; except that in any State where another agency is designated by State law for such purpose such transfer shall be made to said agency for such distribution within the State."

SEC. 5. The Federal Property and Administrative Services Act of 1949 is amended by—

(a) redesignating section 210 thereof as section 212, and wherever such section number appears in such act as originally enacted, it is amended to conform to the redesignation prescribed by this subsection;

(b) inserting in the table of contents appearing in the first section of such act, immediately after the line in which "Sec. 209." appears, the following:

"Sec. 210. Operation of buildings and related activities."

"Sec. 211. Motor vehicle identification."

(c) inserting, immediately after section 209 thereof, the following new sections:

"OPERATION OF BUILDINGS AND RELATED

ACTIVITIES

"SEC. 210. (a) Whenever and to the extent that the Administrator has been or hereafter may be authorized by any provision of law other than this subsection to maintain, operate, and protect any building, property, or grounds situated in or outside the District of Columbia, including the construction, repair, preservation, demolition, furnishing, and equipment thereof, he is authorized in the discharge of the duties so conferred upon him—

"(1) to purchase, repair, and clean uniforms for civilian employees of the General Services Administration who are required by law or regulation to wear uniform clothing;

"(2) to furnish arms and ammunition for the protection force maintained by the General Services Administration;

"(3) to pay ground rent for buildings owned by the United States or occupied by Federal agencies, and to pay such rent in advance when required by law or when the Administrator shall determine such action to be in the public interest;

"(4) to employ and pay personnel employed in connection with the functions of operation, maintenance, and protection of property at such per diem rates as may be approved by the Administrator, not exceeding rates currently paid by private industry for similar services in the place where such services are performed;

"(5) without regard to the provisions of section 322 of the act of June 30, 1932 (47 Stat. 412), as amended, to pay rental, and to make repairs, alterations, and improvements under the terms of any lease entered into by or transferred to, the General Services Administrator for the housing of any Federal agency which on June 30, 1950, was specifically exempted by law from the requirements of said section;

"(6) to obtain payments, through advances or otherwise, for services, space, quarters, maintenance, repair, or other facilities furnished, on a reimbursable basis, to any other Federal agency, or any mixed-ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, and to credit such payments to the applicable appropriation of the General Services Administration;

"(7) to make changes in, maintain, and repair the pneumatic tube system connecting buildings owned by the United States or occupied by Federal agencies in New York City installed under franchise of the city of



New York, approved June 29, 1909, and June 11, 1928, and to make payments of any obligations arising thereunder in accordance with the provisions of the acts approved August 5, 1909 (36 Stat. 120), and May 15, 1928 (45 Stat. 533);

"(8) to repair, alter, and improve rented premises, without regard to the 25 percent limitation of section 322 of the act of June 30, 1932 (47 Stat. 412), as amended, upon a determination by the Administrator that by reason of circumstances set forth in such determination the execution of such work, without reference to such limitation, is advantageous to the Government in terms of economy, efficiency, or national security. A copy of every such determination so made shall be furnished to the General Accounting Office;

"(9) to pay sums in lieu of taxes on real property declared surplus by Government corporations, pursuant to the Surplus Property Act of 1944, where legal title to such property remains in any such Government corporation;

"(10) to furnish utilities and other services where such utilities and other services are not provided from other sources to persons, firms, or corporations occupying or utilizing plants or portions of plants which constitute (A) a part of the National Industrial Reserve pursuant to the National Industrial Reserve Act of 1948, or (B) surplus real property, and to credit the amounts received therefrom to the applicable appropriation of the General Services Administration;

"(11) at the direction of the Secretary of Defense, to use proceeds received from insurance against damage to properties of the National Industrial Reserve for repair or restoration to the damaged properties; and

"(12) to acquire, by purchase, condemnation, or otherwise, real estate and interests therein.

"(b) At the request of any Federal agency or any mixed-ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, the Administrator is hereby authorized to operate, maintain, and protect any building owned by the United States (or, in the case of any wholly owned or mixed-ownership Government corporation, by such corporation) and occupied by the agency or instrumentality making such request.

"(c) At the request of any Federal agency or any mixed-ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, the Administrator is hereby authorized (1) to acquire land for buildings and projects authorized by the Congress; (2) to make or cause to be made, under contract or otherwise, surveys and test borings and to prepare plans and specifications for such buildings and projects prior to the approval by the Attorney General of the title to the sites thereof; and (3) to contract for, and to supervise, the construction and development and the equipping of such buildings or projects. Any sum available to any such Federal agency or instrumentality for any such building or project may be transferred by such agency to the General Services Administration in advance for such purposes as the Administrator shall determine to be necessary, including the payment of salaries and expenses of personnel engaged in the preparation of plans and specifications or in field supervision, and for general office expenses to be incurred in the rendition of any such service.

"(d) Whenever the Director of the Bureau of the Budget shall determine such action to be in the interest of economy or efficiency, he shall transfer to the Administrator all functions then vested in any other executive agency with respect to the operation, maintenance, and custody of any office building

owned by the United States or any wholly owned Government corporation, or any office building or part thereof occupied by any executive agency under any lease, except that no transfer shall be made under this subsection—

"(1) of any post-office building unless the Director shall first determine that such building is not used predominantly for post-office purposes, and functions which are transferred hereunder to the Administrator with respect to any post-office building may be delegated by him only to another officer or employee of the General Services Administration or to the Postmaster General;

"(2) of any building located in any foreign country;

"(3) of any building located on the grounds of any fort, camp, post, arsenal, navy yard, naval training station, air field, proving ground, military supply depot, or school, or of any similar facility of the Department of Defense, unless and to such extent as a permit for its use by another agency or agencies shall have been issued by the Secretary of Defense or his duly authorized representative;

"(4) of any building which the Director of the Bureau of the Budget finds to be a part of a group of buildings which are (A) located in the same vicinity, (B) utilized wholly or predominantly for the special purposes of the agency having custody thereof, and (C) not generally suitable for the use of other agencies; or

"(5) of the Treasury Building, the Bureau of Engraving and Printing Building, the buildings occupied by the National Bureau of Standards, and the buildings under the jurisdiction of the regents of the Smithsonian Institution.

"(e) Notwithstanding any other provision of law, the Administrator is authorized to assign and reassign space of all executive agencies in Government-owned and leased buildings in and outside the District of Columbia upon a determination by the Administrator that such assignment or reassignment is advantageous to the Government in terms of economy, efficiency, or national security.

#### "MOTOR VEHICLE IDENTIFICATION

"SEC. 211. Under regulations prescribed by the Administrator, every motor vehicle acquired and used for official purposes within the United States, its Territories, or possessions, by any Federal agency or the District of Columbia shall be conspicuously identified by showing thereon either (a) the full name of the department, establishment, corporation, or agency by which it is used and the service in which it is used, or (b) a title descriptive of the service in which it is used if such title readily identifies the department, establishment, corporation, or agency concerned, and the legend 'For official use only': *Provided*, That the regulations issued pursuant to this section may provide for exemptions from the requirements of this section when conspicuous identification would interfere with the purpose for which a vehicle is acquired and used."

SEC. 6. The Federal Property and Administrative Services Act of 1949 is amended by—

(a) Redesignating "title V" of such act as "title VI" thereof, and "title V", whenever it appears therein, is amended to read "title VI".

(b) Redesignating sections 501-505, inclusive, of such act, respectively, as sections 601-605, inclusive, thereof, and wherever any such section number appears in such act as originally enacted, it is amended to conform in numbering to the redesignation prescribed by this subsection.

(c) Inserting at the proper place in the table of contents to such act the following:

#### "TITLE V—FEDERAL RECORDS

"Sec. 501. Short title.

"Sec. 502. Custody and control of property.

"Sec. 503. National Historical Publications Commission.

"Sec. 504. Federal Records Council.

"Sec. 505. Records management; the Administrator.

"Sec. 506. Records management agency heads.

"Sec. 507. Archival administration.

"Sec. 508. Reports.

"Sec. 509. Legal status of reproductions.

"Sec. 510. Limitation on liability.

"Sec. 511. Definitions."

(d) Inserting, immediately following title IV thereof, the following new title:

#### "TITLE V—FEDERAL RECORDS

##### "SHORT TITLE

"Sec. 501. This title may be cited as the 'Federal Records Act of 1950.'

##### "CUSTODY AND CONTROL OF PROPERTY

"Sec. 502. The Administrator shall have immediate custody and control of the National Archives Building and its contents, and shall have authority to design, construct, purchase, lease, maintain, operate, protect, and improve buildings used by him for the storage of records of Federal agencies in the District of Columbia and elsewhere.

##### "NATIONAL HISTORICAL PUBLICATIONS COMMISSION

"SEC. 503. (a) There is hereby created a National Historical Publications Commission consisting of the Archivist (or an alternate designated by him), who shall be Chairman; the Librarian of Congress (or an alternate designated by him); one Member of the United States Senate to be appointed, for a term of 4 years, by the President of the Senate; one Member of the House of Representatives to be appointed, for a term of 2 years, by the Speaker of the House of Representatives; one representative of the judicial branch of the Government to be appointed, for a term of 4 years, by the Chief Justice of the United States; one representative of the Department of State to be appointed, for a term of 4 years, by the Secretary of State; one representative of the Department of Defense to be appointed, for a term of 4 years, by the Secretary of Defense; two members of the American Historical Association to be appointed by the council of the said association, one of whom shall serve an initial term of 2 years and the other an initial term of 3 years, but their successors shall be appointed for terms of 4 years; and two other members outstanding in the fields of the social or physical sciences to be appointed by the President of the United States, one of whom shall serve an initial term of 1 year and the other an initial term of 3 years, but their successors shall be appointed for terms of 4 years. The Commission shall meet annually and on call of the Chairman.

"(b) Any person appointed to fill a vacancy in the membership of the Commission shall be appointed only for the unexpired term of the member whom he shall succeed, and his appointment shall be made in the same manner in which the appointment of his predecessor was made.

"(c) The Commission is authorized to appoint, without reference to the Classification Act of 1949 (Public Law 429, 81st Cong., approved October 28, 1948), an executive director and such an editorial and clerical staff as the Commission may determine to be necessary. Members of the Commission who represent any branch or agency of the Government shall serve as members of the Commission without additional compensation. All members of the Commission shall be reimbursed for transportation expenses incurred in attending meetings of the Commission, and all such members other



than those who represent any branch or agency of the Government of the United States shall receive in lieu of subsistence en route to or from or at the place of such service, for each day actually spent in connection with the performance of their duties as members of such Commission, such sum, not to exceed \$25, as the Commission shall prescribe.

"(d) The Commission shall make plans, estimates, and recommendations for such historical works and collections of sources as it deems appropriate for printing or otherwise recording at the public expense. The Commission shall also cooperate with and encourage appropriate Federal, State, and local agencies and nongovernmental institutions, societies, and individuals in collecting and preserving and, when it deems such action to be desirable, in editing and publishing the papers of outstanding citizens of the United States and such other documents as may be important for an understanding and appreciation of the history of the United States. The Chairman of the Commission shall transmit to the Administrator from time to time, and at least once annually, such plans, estimates, and recommendations as have been approved by the Commission.

#### "FEDERAL RECORDS COUNCIL

"Sec. 504. The Administrator shall establish a Federal Records Council, and shall advise and consult with the Council with a view to obtaining its advice and assistance in carrying out the purposes of this title. The Council shall include representatives of the legislative, judicial, and executive branches of the Government in such number as the Administrator shall determine, but such Council shall include at least four representatives of the legislative branch, at least two representatives of the judicial branch, and at least six representatives of the executive branch. Members of the Council representing the legislative branch shall be designated, in equal number, by the President of the Senate and the Speaker of the House of Representatives, respectively. Members of the Council representing the judicial branch shall be designated by the Chief Justice of the United States. The Administrator is authorized to designate from persons named by the head of any executive agency concerned, not more than one representative from such agency to serve as a member of the Council. Members of the Council shall serve without compensation, but shall be reimbursed for all necessary expenses actually incurred in the performance of their duties as members of the Council. The Council shall elect its chairman, and shall meet at least once annually.

#### "RECORDS MANAGEMENT; THE ADMINISTRATOR

"Sec. 505. (a) The Administrator shall make provisions for the economical and efficient management of records of Federal agencies (1) by analyzing, developing, promoting, and coordinating standards, procedures, and techniques designed to improve the management of records, to insure the maintenance and security of records deemed appropriate for preservation, and to facilitate the segregation and disposal of records of temporary value, and (2) by promoting the efficient and economical utilization of space, equipment, and supplies needed for the purpose of creating, maintaining, storing, and servicing records.

"(b) The Administrator shall establish standards for the selective retention of records of continuing value, and assist Federal agencies in applying such standards to records in their custody; and he shall notify the head of any Federal agency of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of such agency that shall come to his attention, and assist the head of such agency in initiating action through the Attorney General for the recovery of such

records as shall have been unlawfully removed and for such other redress as may be provided by law.

"(c) The Administrator is authorized to inspect or survey personally or by deputy the records of any Federal agency, as well as to make surveys of records management and records disposal practices in such agencies, and shall be given the full cooperation of officials and employees of agencies in such inspections and surveys: *Provided*, That records, the use of which is restricted by or pursuant to law or for reasons of national security or the public interest, shall be inspected or surveyed in accordance with regulations promulgated by the Administrator, subject to the approval of the head of the custodial agency.

"(d) The Administrator is authorized to establish, maintain, and operate records centers for the storage, processing, and servicing of records for Federal agencies pending their deposit with the National Archives of the United States or their disposition in any other manner authorized by law; and to establish, maintain, and operate centralized microfilming services for Federal agencies.

"(e) Subject to applicable provisions of law, the Administrator shall promulgate regulations governing the transfer of records from the custody of one executive agency to that of another.

"(f) The Administrator may empower any Federal agency, upon the submission of evidence of need therefor, to retain records for a longer period than that specified in disposal schedules approved by Congress, and, in accordance with regulations promulgated by him, may withdraw disposal authorizations covering records listed in disposal schedules approved by Congress.

#### "RECORDS MANAGEMENT; AGENCY HEADS

"Sec. 506. (a) The head of each Federal agency shall cause to be made and preserved records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities.

"(b) The head of each Federal agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency. Such program shall, among other things, provide for (1) effective controls over the creation, maintenance, and use of records in the conduct of current business; (2) cooperation with the Administrator in applying standards, procedures, and techniques designed to improve the management of records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records of temporary value; and (3) compliance with the provisions of this title and the regulations issued thereunder.

"(c) Whenever the head of a Federal agency determines that substantial economies or increased operating efficiency can be effected thereby, he will provide for the storage, processing, and servicing of records that are appropriate therefor in a records center maintained and operated by the Administrator or, when approved by the Administrator, in such a center maintained and operated by the head of such Federal agency.

"(d) Any official of the Government who is authorized to certify to facts on the basis of records in his custody, is hereby authorized to certify to facts on the basis of records that have been transferred by him or his predecessors to the Administrator.

"(e) The head of each Federal agency shall establish such safeguards against the removal or loss of records as he shall determine to be necessary and as may be required by regulations of the Administrator. Such

safeguards shall include making it known to all officials and employees of the agency (1) that no records in the custody of the agency are to be alienated or destroyed except in accordance with the provisions of the act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434), and (2) the penalties provided by law for the unlawful removal or destruction of records.

"(f) The head of each Federal agency shall notify the Administrator of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency of which he is the head that shall come to his attention, and with the assistance of the Administrator shall initiate action through the Attorney General for the recovery of records he knows or has reason to believe have been unlawfully removed from his agency, or from any other Federal agency whose records have been transferred to his legal custody.

"(g) Nothing in this title shall be construed as limiting the authority of the Comptroller General of the United States with respect to prescribing accounting systems, forms, and procedures, or lessening the responsibility of collecting and disbursing officers for rendition of their accounts for settlement by the General Accounting Office.

#### "ARCHIVAL ADMINISTRATION

"Sec. 507. (a) The Administrator, whenever it appears to him to be in the public interest, is hereby authorized—

"(1) to accept for deposit with the National Archives of the United States the records of any Federal agency or of the Congress of the United States that are determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government;

"(2) to direct and effect with the approval of the head of the originating agency (or if the existence of such agency shall have been terminated, then with the approval of his successor in function, if any) the transfer of records deposited (or approved for deposit) with the National Archives of the United States to public or educational institutions or associations: *Provided*, That the title to such records shall remain vested in the United States unless otherwise authorized by Congress; and

"(3) to direct and effect the transfer of materials from private sources authorized to be received by the Administrator by the provisions of subsection (e) of this section.

"(b) The Administrator shall be responsible for the custody, use, and withdrawal of records transferred to him: *Provided*, That whenever any records the use of which is subject to statutory limitations and restrictions are so transferred, permissive and restrictive statutory provisions with respect to the examination and use of such records applicable to the head of the agency from which the records were transferred or to employees of that agency shall thereafter likewise be applicable to the Administrator, the Archivist, and to the employees of the General Services Administration, respectively: *Provided further*, That whenever the head of any agency shall specify in writing restrictions that appear to him to be necessary or desirable in the public interest, on the use or examination of records being considered for transfer from his custody to the Administrator, the Administrator shall impose such restrictions on the records so transferred, and shall not remove or relax such restrictions without the concurrence in writing of the head of the agency from which the material shall have been transferred (or if the existence of such agency shall have been terminated, then he shall not remove or release such restrictions without the concurrence of his successor in function, if any, of such agency head): *Provided, however*,



That statutory and other restrictions referred to in the provisos of this subsection shall not remain in force or effect after the records have been in existence for 50 years unless the Administrator by order shall determine with respect to specific bodies of records that such restrictions shall remain in force and effect for a longer period: *And provided further*, That restrictions on the use or examination of records deposited with the National Archives of the United States heretofore imposed and now in force and effect under the terms of section 3 of the National Archives Act, approved June 19, 1934, shall continue in force and effect regardless of the expiration of the tenure of office of the official who imposed them but may be removed or relaxed by the Administrator with the concurrence in writing of the head of the agency from which material has been transferred (or if the existence of such agency shall have been terminated, then with the concurrence in writing of his successor in function, if any).

"(c) The Administrator shall make provisions for the preservation, arrangement, repair and rehabilitation, duplication and reproduction (including microcopy publications), description, and exhibition of records transferred to him as may be needful or appropriate, including the preparation and publication of inventories, indexes, catalogs, and other finding aids or guides facilitating their use; and, when approved by the National Historical Publications Commission, he may also publish such historical works and collections of sources as seem appropriate for printing or otherwise recording at the public expense.

"(d) The Administrator shall make such provisions and maintain such facilities as he deems necessary or desirable for servicing records in his custody that are not exempt from examination by statutory provisions or other restrictions.

"(e) The Administrator may accept for deposit—

"(1) the personal papers and other personal historical documentary materials of the present President of the United States, his successors, heads of executive departments, and such other officials of the Government as the President may designate, offered for deposit under restrictions respecting their use specified in writing by the prospective depositors: *Provided*, That restrictions so specified on such materials, or any portions thereof, accepted by the Administrator for such deposit shall have force and effect during the lifetime of the depositor or for a period not to exceed 25 years, whichever is longer unless sooner terminated in writing by the depositor or his legal heirs: *And provided further*, That the Archivist determines that the materials accepted for such deposit will have continuing historical or other values;

"(2) motion-picture films, still pictures, and sound recordings from private sources that are appropriate for preservation by the Government as evidence of its organization, functions, policies, decisions, procedures, and transactions.

Title to materials so deposited under this subsection shall pass to and vest in the United States.

"(f) The Administrator is hereby authorized to make and preserve motion-picture films, still pictures, and sound recordings pertaining to and illustrative of the historical development of the United States Government and its activities, and to make provisions for preparing, editing, titling, scoring, processing, duplicating, reproducing, exhibiting, and releasing for nonprofit educational purposes, motion-picture films, still pictures, and sound recordings in his custody.

#### "REPORTS

"Sec. 508. (a) The Administrator is hereby authorized whenever he deems it necessary to obtain reports from Federal agencies on

their activities under the provisions of this title and the act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434).

"(b) The Administrator shall, whenever he finds that any provisions of this title have been or are being violated, inform in writing the head of the agency concerned of such violations and make recommendations regarding means of correcting them. Unless corrective measures satisfactory to the Administrator are inaugurated within a reasonable time, the Administrator shall submit a written report thereon to the President and the Congress.

#### "LEGAL STATUS OF REPRODUCTIONS

"Sec. 509. (a) Whenever any records that are required by statute to be retained indefinitely have been reproduced by photographic, microphotographic, or other processes, in accordance with standards established by the Administrator, the indefinite retention of such photographic, microphotographic, or other reproductions will be deemed to constitute compliance with the statutory requirement for the indefinite retention of such original records. Such reproductions, as well as reproductions made in compliance with regulations promulgated to carry out this title, shall have the same legal status as the originals thereof.

"(b) There shall be an official seal for the National Archives of the United States which shall be judicially noticed. When any copy or reproduction, furnished under the terms hereof, is authenticated by such official seal and certified by the Administrator, such copy or reproduction shall be admitted in evidence equally with the original from which it was made.

"(c) The Administrator may charge a fee not in excess of 10 percent above the costs or expenses for making or authenticating copies or reproductions of materials transferred to his custody. All such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund provided for in section 5 of the act approved July 9, 1941. There shall be no charge for making or authenticating copies or reproductions of such materials for official use by the United States Government: *Provided*, That reimbursement may be accepted to cover the cost of furnishing such copies or reproductions that could not otherwise be furnished.

#### "LIMITATION ON LIABILITIES

"Sec. 510. With respect to letters and other intellectual productions (exclusive of material copyrighted or patented) after they come into the custody or possession of the Administrator, neither the United States nor its agents shall be liable for any infringement of literary property rights or analogous rights arising thereafter out of use of such materials for display, inspection, research, reproduction, or other purposes.

#### "DEFINITIONS

"Sec. 511. When used in this title—

"(a) The term 'records' shall have the meaning given to such term by section 1 of the act entitled 'An act to provide for the disposal of certain records of the United States Government,' approved July 7, 1943 (57 Stat. 380, as amended; 44 U. S. C. 366);

"(b) The term 'record center' means an establishment maintained by the Administrator or by a Federal agency primarily for the storage, servicing, security, and processing of records that must be preserved for varying periods of time and need not be retained in office equipment and space;

"(c) The term 'servicing' means making available for use information in records and other materials in the custody of the Administrator—

"(1) by furnishing such records or other materials, or information from such records or other materials, or copies or reproduc-

tions thereof to agencies of the Government for official use and to the public; and

"(2) by making and furnishing authenticated or unauthenticated copies or reproductions of such records and other materials;

"(d) The term 'National Archives of the United States' means those official records that have been determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government, and have been accepted by the Administrator for deposit in his custody;

"(e) The term 'unauthenticated copies' means exact copies or reproductions of records or other materials that are not certified as such under seal and that need not be legally accepted as evidence; and

"(f) The term 'Archivist' means the Archivist of the United States."

Sec. 7. The Federal Property and Administrative Services Act of 1949 is further amended by—

(a) striking out the word "and" preceding "(2)" in subsection (d) of section 3 thereof; substituting a semicolon for the period at the end of said subsection; and adding at the end of such subsection the following: "and (3) records of the Federal Government.";

(b) striking out, in section 208 (a) thereof, the expression "and V" and inserting in lieu thereof the expression "V, and VI";

(c) striking out, in section 208 (b) thereof, the expression "and V" and inserting in lieu thereof the expression "V, and VI";

(d) striking out the word "and" at the end of paragraph (30) of section 602 (a); striking out the period at the end of paragraph (31) of section 602 (a) and inserting in lieu thereof a semicolon; and adding at the end of section 602 (a) the following new paragraphs:

"(32) the act entitled 'An act to establish a National Archives of the United States Government, and for other purposes,' approved June 19, 1934 (43 Stat. 1122-1124, as amended; 44 U. S. C. 300, 300a, 300c-k); and

"(33) section 4 of the act of February 3, 1905 (23 Stat. 687, as amended; 5 U. S. C. 77)."

(e) amending subsections 602 (b) and (c) thereof to read as follows:

"(b) There are hereby superseded—

"(1) the provisions of the first, third, and fifth paragraphs of section 1 of Executive Order No. 6166 of June 10, 1933, insofar as they relate to any function now administered by the Bureau of Federal Supply except functions with respect to standard contract forms; and

"(2) sections 2 and 4 of the act entitled 'An act to provide for the disposal of certain records of the United States Government,' approved July 7, 1943 (57 Stat. 331, as amended; 44 U. S. C. 367 and 369), to the extent that the provisions thereof are inconsistent with the provisions of title V of this act.

"(c) The authority conferred by this act shall be in addition and paramount to any authority conferred by any other law and shall not be subject to the provisions of any law inconsistent herewith, except that sections 205 (b) and 206 (c) of this act shall not be applicable to any Government corporation or agency which is subject to the Government Corporation Control Act (59 Stat. 597; 31 U. S. C. 841)."

(f) amending paragraphs (17), (18), and (19) of section 602 (d) thereof to read as follows:

"(17) the Central Intelligence Agency;

"(18) the Joint Committee on Printing, under the act entitled 'An act providing for the public printing and binding and the distribution of public documents,' approved January 12, 1895 (23 Stat. 601), as amended, or any other act; or



"(19) for such period of time as the President may specify, any other authority of any executive agency which the President determines within 1 year after the effective date of this act should, in the public interest, stand unimpaired by this act."

(g) striking out the period at the end of section 633 (a) thereof and inserting in lieu thereof a common and the following: "including payment in advance, when authorized by the Administrator, for library memberships in societies whose publications are available to members only, or to members at a price lower than that charged to the general public."

SEC. 8. (a) Subsection 3 (b) of the Federal Property and Administrative Services Act of 1949 is amended to read as follows:

"(b) The term 'Federal agency' means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction)."

(b) Section 201 (b) of the Federal Property and Administrative Services Act of 1949 is amended by striking out the expression "or the Senate, or the House of Representatives,".

(c) Section 602 of the Federal Property and Administrative Services Act of 1949 is amended by redesignating subsection (e) thereof as subsection (f), and inserting, immediately after subsection (d) thereof, the following new subsection:

"(e) No provision of this act as originally enacted or as subsequently amended shall apply to the Senate or the House of Representatives (including the Architect of the Capitol and any building, activity, or function under his direction), but any of the services and facilities authorized by this act to be rendered or furnished shall, as far as practicable, be made available to the Senate, the House of Representatives, or the Architect of the Capitol, upon their request. If payment would be required for the rendition or furnishing of a similar service or facility to an executive agency, payment therefor shall be made by the recipient thereof, upon presentation of proper vouchers, in advance or by reimbursement (as may be agreed upon by the Administrator and the officer or body making such request). Such payment may be credited to the applicable appropriation of the executive agency receiving such payment. Notwithstanding the provisions of this subsection, subsection 210 (b) and subsection 210 (c) of this act shall not apply to any building, project or grounds, or to any activity, heretofore placed under the Architect of the Capitol by any provision of law."

SEC. 9. The Federal Property and Administrative Services Act of 1949, section 205 (h), is hereby amended by striking out the last word of the sentence "title" and inserting in lieu thereof the word "Act".

SEC. 10. (a) Whenever any contract made on behalf of the Government by the head of any Federal agency, or by officers authorized by him so to do, includes a provision for liquidated damages for delay, the Comptroller General upon recommendation of such head is authorized and empowered to remit the whole or any part of such damages as in his discretion may be just and equitable.

(b) Section 306 of the Federal Property and Administrative Services Act of 1949, is hereby repealed, and this section shall be effective as of July 1, 1949.

SEC. 11. All laws or parts of laws in conflict with the provisions of this act or with any amendment made thereby are, to the extent of such conflict, hereby repealed.

Mr. HOLIFIELD. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOLIFIELD: Strike out all after the enacting clause, and insert in lieu thereof the provisions of the bill H. R. 9129.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

By unanimous consent the proceedings whereby the bill H. R. 9129 was passed were vacated, and that bill laid on the table.

#### GENERAL LEAVE TO EXTEND REMARKS

Mr. DAWSON. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

#### EXTENSION OF REMARKS

Mr. SHAFER asked and was given permission to extend his remarks in four instances and include extraneous matter.

Mr. WOLVERTON asked and was given permission to extend his remarks and include an address by Frank Wilbur Main.

Mr. HAGEN asked and was given permission to revise and extend the remarks he made on the disaster-relief bill and include a statement compiled by the American Red Cross of its jurisdiction and work for the last 29 years, also reference to the 128 separate acts of Congress pertaining to aid because of disasters in this country, also a statement from the highway commissioner of Minnesota showing the damage done in the counties in the district of Minnesota represented by Mr. HAGEN.

Mr. CASE of South Dakota asked and was given permission to extend his remarks and include a statement on the Government's scientific policy.

Mr. JUDD asked and was given permission to extend his remarks in two instances and include in each an editorial.

Mr. WILSON of Oklahoma asked and was given permission to extend his remarks in the RECORD and include an editorial appearing in the Enid Morning News under date of August 4, entitled "The War Takes On New Meaning in Northwest Oklahoma."

Mr. PLUMLEY (at the request of Mr. HALLECK) was given permission to extend his remarks in the RECORD and include certain extraneous matter.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. SHELLEY (at the request of Mr. HAVENNER) for Monday, August 7, on account of illness.

To Mr. HARRISON (at the request of Mr. SMITH of Virginia) for Monday, August 7, 1950, on account of official business.

To Mr. HUGH D. SCOTT, JR. (at the request of Mr. GRAHAM) for 1 month, on account of Government business.

To Mr. MAGEE, for August 7 through August 15, on account of official business.

#### ENROLLED BILLS SIGNED

Mrs. NORTON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 6454. An act to authorize the appointment of two additional district judges for the northern district of Illinois.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2018. An act to authorize advancement to and the reimbursement of certain agencies of the Treasury Department for services performed for other Government agencies, and for other purposes; and

S. 2128. An act to provide for the cancellation of certain licenses granted to the Government by private holders of patents and rights thereunder.

#### ADJOURNMENT

Mr. BUCHANAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 29 minutes p. m.) the House adjourned until tomorrow, Tuesday, August 8, 1950, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

1622. Under clause 2 of rule XXIV, a letter from the executive secretary, National Munitions Control Board, transmitting the semiannual report prepared by the National Munitions Control Board in accordance with the provisions of subsection (h), section 12, of the Neutrality Act of 1939 (Public Res. No. 54, 76th Cong.), was taken from the Speaker's table and referred to the committee on Foreign Affairs.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ALBERT: Committee of conference. House Joint Resolution 21. Joint resolution to provide for the utilization of a part of the unfinished portion of the historical frieze in the rotunda of the Capitol to portray the story of aviation; without amendment (Rept. No. 2808). Ordered to be printed.

Mr. BECKWORTH: Committee on Interstate and Foreign Commerce. S. 456. An act to authorize the construction, protection, operation, and maintenance of a public airport in or in the vicinity of the District of Columbia; with amendment (Rept. No. 2809). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARDEN: Committee on Education and Labor. S. 2317. An act to authorize grants to the States for surveying their need for elementary and secondary school facilities and for planning State-wide programs of school construction; and to authorize grants for emergency school construction to school districts overburdened with enrollments resulting from defense and other Fed-







Many Government projects in the Fairbanks district, second only to Anchorage in the tempo of life and work to assure an impregnable Arctic frontier, also have been tied up by work stoppages of carpenters, plumbers, and steamfitters. The valuable time thus lost in one of the few months of open weather cannot be made up. Many lines of business are in danger of permanent losses.

#### ADVERSE EFFECTS PILE UP

The results of these delays are cumulative and affect projects even in the blueprint stage. They discourage new investments and hold up progressive payments on work as it advances. Some of the builders and subcontractors have borrowed money for equipment and materials on the strength of their Government contracts. They are unable to meet loan obligations until they get payments that are due to them as they reach certain stages in their structural operations. Mechanics, too, have been unable to take advantage of profitable overtime pay checks.

One of the effects of the general situation is noted in the number of job-seekers on the streets, and in the plight of nonresident youths who have come up here from the United States in the hope of finding employment. They knew that the whole Alaskan military expansion program was geared to reach its crest this summer. They still hope that the current problems may be ironed out before their scant funds evaporate.

Boom activity to date this year has been lagging slightly behind last June because of these problems, and in spite of the fact that known congressional appropriations of more than \$194,000,000 for territorial defense work are coming to a head. Thus many of these venturesome youths already are stranded, and are living in tents and trailers, or even sleeping in their automobiles, on the outskirts of town.

#### EVEN EXIT RULES ARE STRICT

They must get jobs or leave soon. They cannot pass through the Canadian sector of the Alaska Highway without showing \$300 cash for the car and \$100 for each occupant. The Canadian authorities have adopted that rule to avoid having stranded itinerants on their hands.

A member of the Alaska Territorial Employment Service, estimated that there were 7,000 or more jobless workers in the Territory today in spite of the boom, and more were coming in daily. The figure is significant when it is considered that the many waitresses and typists are waiting for a break in the construction employment horizon.

At Anchorage, the jobs that are facing delays include many badly needed housing centers, among them a 14-story apartment house recently announced by the Alaska Housing Authority for construction with Government subsidies, to provide the tallest building in the Territory.

Private projects under way in Fairbanks and affected by the work stoppage of carpenters, plumbers, and electricians include the eight-story McKinley Manor Apartments, taking up an entire block near the heart of the city.

Foundations are being laid for this \$3,000,000 structure which carries a mortgage insured by the Federal Housing Administration and which will include modern store and banking space.

The Bank of Fairbanks is financing it and the Chase National Bank of New York is reported to have supplied interim financing. Work also is being held up on the 270-family Fairview Manor housing on part of the site of Weeks Field near Fairbanks.

Additions to the plant of the University of Alaska and to St. Joseph Hotel, a power

installation at Ladd Air Force base, on the next Fairbanks airport, and the airport for neighboring Galena also are affected.

#### NEW YORK INVESTMENT IS HIT

Upstate New York money is tied up in the Fairview Manor project. A few days ago the Community Savings Bank, of Rochester, completed arrangements to make a mortgage loan of \$3,080,000 on this project, with the Buffalo Savings Bank as participating mortgagee. The mortgage will be held in trust by the Institutional Securities Corp., which represents 130 New York savings banks. This is the greatest distance from which substantial capital has come for new housing in Alaska.

Some of the building mechanics have been making \$200 or more a week, including overtime.

The carpenters are asking for a new contract increasing their basic hourly wage by 30 cents to \$3. They now make \$2.77 an hour.

The Plumbers and Steamfitters Union of Fairbanks, also in the American Federation of Labor, want an increase of 50 cents to make their pay \$3.50 an hour for 40 hours' work, and double time for all overtime. As a concession they would give up the current provision for free board and shelter and an allowance for travel time.

Some contractors already have signed up and the work stoppage is against all the others.

If the carpenters win an increase, the other trades also automatically will get a pay rise under a general working agreement they signed earlier this year with the Associated General Contractors of Alaska. The carpenters refused to ratify this agreement.

Local carpenters last night rejected an offer of \$2.82 an hour by the Associated Contractors and the deadlock continues in its 24th day.

The union announced the rejection vote as 400 to 4.

About 5,500 mechanics here are affected by the shutdowns.

An order from Washington this week directing the men to go back to their jobs as a defense measure pending an agreement is held possible.

Under the new arrangement, a plumber or steamfitter working 60 hours a week, which is not at all unusual at this time of the year when all builders are willing to work their men long hours, would get \$280 every 7 days. They have been receiving time and a half for overtime at the lower wage rate.

#### AIRLIFT DELIVERIES SPEED WORK

The urgency of the work being delayed by these disputes is indicated by the announcement that contracts recently have been signed for an airlift delivery of a vast amount of machinery and materials from the United States rather than await slow shipments by water.

The first of these plane-freight cargoes already has arrived in Fairbanks and Anchorage. As a further aid to contractors to get their buildings enclosed before the Arctic winter halts all outside construction progress, representatives of the Army Engineers Corps recently signed contracts with two Seattle firms for delivery of almost \$1,000,000 worth of bulk cement for use in work at Fort Richardson here, and at Eielson Air Force base at Fairbanks.

Even with such wholesale purchases, construction costs are unusually high at the defense bases because of the costs of getting materials to the site. High wages and overtime during the 4 months building season, and the frequent necessity for digging through layers of permanently frozen ground known as permafrost, the work stoppages and delays are sending these costs even higher.

[From the New York Times of January 27, 1950]

#### CRISES FACE POLICE IN ALASKAN CITIES—CROWDED CONDITIONS, HOUSING LACK, HIGH PAY STIR TROUBLES AS GAMBLING FLOURISHES

(By Lee E. Cooper)

ANCHORAGE, ALASKA, June 26.—Crowded conditions, high wages, and the rough life in this western outpost and other defense centers of Alaska have created grave problems for city law-enforcement officers and military police despite the fact that darkness never comes to this section of the Territory during the summer months.

Neon signs in the rear of crowded bars show the way to the card or game rooms in the rear or in the basement. In these spots many gambling games flourish in frontier style, including poker and dice.

Petty lawlessness such as this is against Territorial regulations, but the games are winked at by authorities living in this frontier country so long as these are carried on in an orderly and gentlemanly manner.

Perhaps this attitude has been developed also on the theory that men who can pay 50 cents for a glass of beer can risk a few dollars on the turn of a card. In both Fairbanks and Anchorage it is known the municipal authorities collect profitable amusement taxes from these gambling rooms.

Under the law the games are considered legitimate if there is no money on the table. One of the popular card games is panguini, a form of rummy known among Alaskans as pan.

#### BARS KEEPING LATE HOURS

In the better bars women often are among the customers, and women entertainers are employed by some as singers or accordion players. Their music vies with the sound truck utilized by at least one church to attract youngsters to services on Sunday afternoons.

The bars and liquor stores keep late hours and are open on Sundays. Signs in the windows, however, warn soldiers under 21 that they are not permitted to enter.

Here in Anchorage and at Fairbanks, where millions are being poured into military installations, immorality is one of the chief problems. But women walk the streets circumspectly, knowing that any indiscretion will bring them under arrest quickly. They keep away from the overflowing hotels, too.

Districts of prostitution inside both centers have been officially closed and the women now are scattered throughout the towns or are found in night clubs and resorts outside the city limits. At Fairbanks, which is proud of its recent spotless record with respect to serious crimes, a former supervised district on Fourth Avenue is idle.

#### TAXI YIELD REPORTED LARGE

Many taxicab operators who were making big money at the standard rate of \$1 for any trip within the city limits of Anchorage or Fairbanks, and \$1 a mile outside the city in meterless vehicles, have made extra money as "steerers." But the law is catching up with such operations.

Partly because of the rapid development of both legitimate and illegal business just outside the city limits where there is a lack of supervision, some responsible and substantial citizens are said to favor a return to a wide-open status in their municipalities.

A shortage of comfortable housing and a lack of adequate and normal recreational sports and entertainment facilities are a factor in the difficulties. Both civilian and military agencies are attempting to supply the necessary legitimate attractions for the growing population.



## REPORTS ON SERIOUS CRIME

Fairbanks police report that they have not had to cope with a spectacular killing since an axe murder developed out of a drunken brawl in 1947. There was a death in a night club outside the city late in 1948 in which a customer was shot through a window, but the case still is a mystery although two men are out on bail in connection with it.

Conditions are more serious in Anchorage, where half a dozen murders have occurred this year. One rape-murder resulted in the recent sentencing of a soldier to death by hanging. In another instance, a taxicab driver was shot and killed.

The authorities say they have a good record in solving most of these serious crimes of passion or drunkenness, but robberies laid to the unsettled job situation still keep them on edge. Some stores here, including jewelry shops, which do a thriving business among the women, keep guards on duty at night as a precautionary measure.

To the credit of both cities it must be noted that most of the older residents are pleasant, law-abiding citizens. It is the new and transient element which the authorities blame for the trouble.

[From the New York Times of June 28, 1950]  
CONGRESS STUDIES ALASKA PRICE RISE—COMMITTEE SEEKS TO DISCOVER, IN LIGHT OF DEFENSE, WHY COSTS HAVE ROCKETED

(By Lee E. Cooper)

ANCHORAGE, ALASKA, June 27.—Quiet study of high living costs and inflated prices for building work in Alaska has been started by a joint congressional investigating committee which has just arrived in this Arctic territory.

The findings of this group are expected to have an important bearing on appropriations for defense work, which has been the backbone of the postwar boom in Alaska. The known congressional appropriations for military installations and other defense projects in this western frontier area during the last 2 years have exceeded \$194,000,000.

The committee, acting for both the Senate and the House of Representatives, but including no Members of Congress, is reported to be conducting the inquiry with particular emphasis on the reasons construction work here is so much more expensive than in the States.

The delegation doubtless is charged with the task of discovering whether there are unnecessary and extravagant or hidden mark-ups in retail prices beyond the natural increases because of costs of transporting goods and building supplies to this outpost.

The visitors are likely to find many items of interest in the construction field, restaurants, and stores after they have paid \$1.50 or more for a lettuce and tomato salad and 25 to 35 cents for dry or buttered toast. They will also be paying \$4 or \$5 for a short ride outside city limits in a meterless cab. In making some purchases, such as cigarettes and whisky, they will learn that gouging is largely a thing of the past.

Merchants and contractors have not been blameless in the inflationary trend, which has gone on so long in some lines of business that the old customers now take the high costs as a matter of course.

There have been charges of collusion and complaints that some retailers mark price tags far beyond any extra cost because of long-distance delivery charges, one of the standard excuses.

The story is told of the liquor dealer who determined to reduce his prices to reasonable levels in Fairbanks only to find his quotations matched or beaten in one store on one brand, on another brand in a second competitor's shop, and so on. He brought or threatened action against the others and won his point. Keener competition now has

brought fair prices on alcoholic goods both in Fairbanks and here.

A grocery man who tried the same low-price policy found himself forced out, but retaliated by opening a large new store just outside of town, where he enjoys a thriving trade.

Contractors contend high wages and excessive costs of materials and equipment force their bids up. Mechanics say they must have big wages to keep abreast of the cost of food and shelter.

On the first 500-man barracks erected at Ladd Air Force Base in Fairbanks, contractors killed the cost-plus system of Alaskan military work. The Government paid well over \$5,000,000 for this simple type of structure. All later base installations have been on a contract basis at a considerable saving. Later barracks buildings of similar size have cost \$3,500,000.

[From the New York Times of June 29, 1950]  
ALASKA SEEKS KEY TO NORMAL LIFE WHEN DEFENSE SPENDING ERA ENDS—OFFICIALS AND BUSINESS ALREADY WORRIED OVER HOW TO CUSHION SLACK—INDUSTRY AND TOURIST TRADE TO BE WOOED

(By Lee E. Cooper)

ANCHORAGE, ALASKA, June 28.—Territorial authorities and Alaska's businessmen are gravely concerned over the economic problems that will arise when the current defense development boom ceases or is sharply curtailed. They already are studying possible ways of cushioning the effects of this inevitable change in conditions when military bases in the area are considered ample for any eventualities.

The prospect of the continued presence of large numbers of military personnel gives, however, some reassurance for the future. These service men are good customers of the stores, theaters and other establishments, particularly in the two most populous cities—Fairbanks and Anchorage.

But that backlog of purchasing power will not be large enough to sustain the economy at anywhere near its present tempo. The current situation is based on expenditures for construction out of congressional appropriations that have amounted to almost \$200,000,000 in the last 2 years. Obviously the outlays will not continue long at anything like that level, and the adverse effect of recent strikes which have slowed up the use of this money already has been felt in almost all lines of trade.

## PERMANENT INDUSTRY NEEDED

For the long pull permanent industry is badly needed in the Territory. Virtually no large plants or factories are operating in either Fairbanks or Anchorage. Scattered along the coast are the canneries and fishing fleets of the salmon industry. This dual enterprise now accounts for more than half of the territorial revenue. Gold mining centers, once the backbone of Alaska, are in the doldrums and are operating at only about 20 percent of capacity as the result of declines in the price of the precious metal. Three or four large coal mines are in operation, but most Alaskans use oil or dig their solid fuel in outcroppings near their homes.

The principal drawback to industry in the Territory is the shortage of power. Efforts, however, already are being made to overcome this deficiency. Some observers fear that, even with power available, industrial plants will not come here unless added inducements are offered. Businessmen in Juneau are studying a suggestion that tax incentives be offered to bring in new enterprises.

## HIGH BUSINESS TAXES A FACTOR

Increases in corporate taxes in recent years and other factors have engendered an unfavorable atmosphere for some lines of business which could take up the slack in em-

ployment when defense-building activity ends.

Promotional efforts are afloat to attract pulp mills to the Juneau and Ketchikan districts.

Plans for a new power plant are well advanced in Fairbanks, and there is discussion of a hydroelectric system. This would have a network running side-by-side with steam and sewerage lines to enable these facilities to function without interruption through the bitter winter. Municipal officials in this city have decided to try to proceed on their own with the so-called Eklutna hydroelectric project. They embarked on this course because of delays which, some of them assert, may be the outgrowth of a supposed debate between the Army Corps of Engineers and the United States Bureau of Reclamation over direction of the project.

Improved transportation facilities are being provided to fill an acute need, but the condition of the Territory's roads after the spring thaw is such that heavy outlays of funds must be provided each year for the highways. Air travel still is necessary to most interior points.

## TOURIST BUSINESS IMPORTANT

The development of tourist traffic still presents one of the major prospects for additional business.

More civilian airfields are contemplated. In this light, representatives of the Civil Aeronautics Authority are studying plans for the expansion of air transportation facilities near Mount McKinley Park and other resorts and agricultural centers. Hotels, too, must be added to care for pleasure-bent visitors. Accommodations now are available only in fishing camps.

But over and above all these shortcomings stands the urgent necessity for stabilizing wages and labor conditions. Likewise, the high costs of shelter and of living in general must be scaled down. Until these two problems are successfully met, the development of Alaska along any line will be retarded.

## AMENDMENT OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3959) to amend the Federal Property and Administrative Services Act of 1949, and for other purposes, which was to strike out all after the enacting clause and insert:

That the parenthetical expression appearing in clause (1) of the final sentence of subsection (a) of section 109 of the Federal Property and Administrative Services Act of 1949 (Public Law 152, 81st Cong.) is amended to read as follows:

"(including the purchase from or through the Public Printer, for warehouse issue, of standard forms, blankbook work, standard specifications, and other printed material in common use by Federal agencies not available through the Superintendent of Documents)."

SEC. 2. (a) Clause (2) of the final sentence of subsection (a) of section 109 of the Federal Property and Administrative Services Act of 1949, as hereinbefore amended, is amended to read as follows: "(2) for paying the purchase price, transportation to first storage point of supplies and services, and the cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property."

(b) The third sentence of subsection (b) of section 109 of such act is amended to read as follows: "On and after such date such prices shall be fixed at levels so as to recover so far as practicable the applicable purchase price, the transportation cost to first storage point, inventory losses, the cost of personal services employed directly in the repair, re-



habilitation, and conversion of personal property, and the cost of amortization and repair of equipment utilized for lease or rent to executive agencies."

(c) The amendments made by this section shall be effective on the date, not earlier than July 1, 1950, on which the Administrator of General Services shall determine that appropriated funds adequate to effectuate the purposes of such amendments have been made available.

Sec. 3. (a) The final sentence of subsection (b) of section 109 of the Federal Property and Administrative Services Act of 1949 is amended to read as follows: "Where an advance of funds is not made, the General Services Administration shall be reimbursed promptly out of funds of the requisitioning agency in accordance with accounting procedures approved by the Comptroller General: *Provided*, That in any case where payment shall not have been made by the requisitioning agency within 45 days after the date of billing by the Administrator or the date on which an actual liability for supplies or services is incurred by the Administrator, whichever is the later, reimbursement may be obtained by the Administrator by the issuance of transfer and counterwarrants, or other lawful transfer documents, supported by itemized invoices."

(b) Section 109 of the Federal Property and Administrative Services Act of 1949 is amended by adding at the end thereof the following new subsection:

"(g) The Administrator of General Services is authorized in his discretion to charge vendors and producers of commodities considered for purchase such fees as he shall determine to be reasonable for testing such commodities for conformance to specifications and standards, and such fees may be deposited in the General Supply Fund and used to defray the expenses of conducting such tests as the Administrator may prescribe."

Sec. 4. Paragraphs (1) and (2) of section 203 (j) of the Federal Property and Administrative Services Act of 1949 are amended to read as follows:

"(1) Under such regulations as he may prescribe, the Administrator is authorized in his discretion to donate for educational purposes or public-health purposes, including research, in the States, Territories, and possessions without cost (except for costs of care and handling) such equipment, materials, books, or other supplies under the control of any executive agency as shall have been determined to be surplus property and which shall have been determined under paragraph (2) or paragraph (3) of this subsection to be usable and necessary for educational purposes or public health purposes, including research.

"(2) Determination whether such surplus property (except surplus property donated in conformity with paragraph (3) of this subsection) is usable and necessary for educational purposes or public health purposes, including research, shall be made by the Federal Security Administrator, who shall allocate such property on the basis of needs and utilization for transfer by the Administrator of General Services to tax-supported medical institutions, hospitals, clinics, health centers, school systems, schools, colleges, and universities, and to other nonprofit medical institutions, hospitals, clinics, health centers, schools, colleges, and universities which have been held exempt from taxation under section 101 (6) of the Internal Revenue Code, or to State departments of education or health for distribution to such tax-supported and nonprofit medical institutions, hospitals, clinics, health centers, school systems, schools, colleges, and universities; except that in any State where another agency is designated by State law for such purpose such transfer shall be made to said agency for such distribution within the State."

Sec. 5. The Federal Property and Administrative Services Act of 1949 is amended by—

(a) redesignating section 210 thereof as section 212, and wherever such section number appears in such act as originally enacted, it is amended to conform to the redesignation prescribed by this subsection;

(b) inserting in the table of contents appearing in the first section of such act, immediately after the line in which "Sec. 209." appears, the following:

"Sec. 210. Operation of buildings and related activities.

"Sec. 211. Motor vehicle identification."

(c) inserting, immediately after section 209 thereof, the following new sections:

#### "OPERATION OF BUILDINGS AND RELATED ACTIVITIES

"SEC. 210. (a) Whenever and to the extent that the Administrator has been or hereafter may be authorized by any provision of law other than this subsection to maintain, operate, and protect any building, property, or grounds situated in or outside the District of Columbia, including the construction, repair, preservation, demolition, furnishing, and equipment thereof, he is authorized in the discharge of the duties so conferred upon him—

"(1) to purchase, repair, and clean uniforms for civilian employees of the General Services Administration who are required by law or regulation to wear uniform clothing;

"(2) to furnish arms and ammunition for the protection force maintained by the General Services Administration;

"(3) to pay ground rent for buildings owned by the United States or occupied by Federal agencies, and to pay such rent in advance when required by law or when the Administrator shall determine such action to be in the public interest;

"(4) to employ and pay personnel employed in connection with the functions of operation, maintenance, and protection of property at such per diem rates as may be approved by the Administrator, not exceeding rates currently paid by private industry for similar services in the place where such services are performed;

"(5) without regard to the provisions of section 322 of the act of June 30, 1932 (47 Stat. 412), as amended, to pay rental, and to make repairs, alterations, and improvements under the terms of any lease entered into by, or transferred to, the General Services Administration for the housing of any Federal agency which on June 30, 1950, was specifically exempted by law from the requirements of said section;

"(6) to obtain payments, through advances or otherwise, for services, space, quarters, maintenance, repair, or other facilities furnished, on a reimbursable basis, to any other Federal agency, or any mixed-ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, and to credit such payments to the applicable appropriation of the General Services Administration;

"(7) to make changes in, maintain, and repair the pneumatic tube system connecting buildings owned by the United States or occupied by Federal agencies in New York City installed under franchise of the city of New York, approved June 29, 1909, and June 11, 1928, and to make payments of any obligations arising thereunder in accordance with the provisions of the acts approved August 5, 1909 (36 Stat. 120), and May 15, 1928 (45 Stat. 533);

"(8) to repair, alter, and improve rented premises, without regard to the 25 percent limitation of section 322 of the act of June 30, 1932 (47 Stat. 412), as amended, upon a determination by the Administrator that by reason of circumstances set forth in such determination the execution of such work, without reference to such limitation, is ad-

vantageous to the Government in terms of economy, efficiency, or national security: *Provided*, That such determination shall show that the total cost (rentals, repairs, alterations, and improvements) to the Government for the expected life of the lease shall be less than the cost of alternative space which needs no such repairs, alterations, or improvements. A copy of every such determination shall be furnished to the General Accounting Office;

"(9) to pay sums in lieu of taxes on real property declared surplus by Government corporations, pursuant to the Surplus Property Act of 1944, where legal title to such property remains in any such Government corporation;

"(10) to furnish utilities and other services where such utilities and other services are not provided from other sources to persons, firms, or corporations occupying or utilizing plants or portions of plants which constitute (A) a part of the National Industrial Reserve pursuant to the National Industrial Reserve Act of 1949, or (B) surplus real property, and to credit the amounts received therefrom to the applicable appropriation of the General Services Administration;

"(11) at the direction of the Secretary of Defense, to use proceeds received from insurance against damage to properties of the National Industrial Reserve for repair or restoration of the damaged properties; and

"(12) to acquire, by purchase, condemnation, or otherwise, real estate and interests therein.

"(b) At the request of any Federal agency or any mixed-ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, the Administrator is hereby authorized to operate, maintain, and protect any building owned by the United States (or, in the case of any wholly owned or mixed-ownership Government corporation, by such corporation) and occupied by the agency or instrumentality making such request.

"(c) At the request of any Federal agency or any mixed-ownership corporation (as defined in the Government Corporation Control Act), the District of Columbia, the Administrator is hereby authorized (1) to acquire land for buildings and projects authorized by the Congress; (2) to make or cause to be made, under contract or otherwise, surveys and test borings and to prepare plans and specifications for such buildings and projects prior to the approval by the Attorney General of the title to the sites thereof; and (3) to contract for, and to supervise, the construction and development and the equipping of such buildings or projects. Any sum available to any such Federal agency or instrumentality for any such building or project may be transferred by such agency to the General Services Administration in advance for such purposes as the Administrator shall determine to be necessary, including the payment of salaries and expenses of personnel engaged in the preparation of plans and specifications or in field supervision, and for general office expenses to be incurred in the rendition of any such service.

"(d) Whenever the Director of the Bureau of the Budget shall determine such action to be in the interest of economy or efficiency, he shall transfer to the Administrator all functions then vested in any other Federal agency with respect to the operation, maintenance, and custody of any office building owned by the United States or any wholly owned Government corporation, or any office building or part thereof occupied by any Federal agency under any lease, except that no transfer shall be made under this subsection—

"(1) of any post-office building unless the Director shall first determine that such building is not used predominantly for post-



## "LEGAL STATUS OF REPRODUCTIONS"

"SEC. 509. (a) Whenever any records that are required by statute to be retained indefinitely have been reproduced by photographic, microphotographic, or other processes, in accordance with standards established by the Administrator, the indefinite retention of such photographic, microphotographic, or other reproductions will be deemed to constitute compliance with the statutory requirement for the indefinite retention of such original records. Such reproductions, as well as reproductions made in compliance with regulations promulgated to carry out this title, shall have the same legal status as the originals thereof.

"(b) There shall be an official seal for the National Archives of the United States, which shall be judicially noticed. When any copy or reproduction, furnished under the terms hereof, is authenticated by such official seal and certified by the Administrator, such copy or reproduction shall be admitted in evidence equally with the original from which it was made.

"(c) The Administrator may charge a fee not in excess of 10 percent above the costs or expenses for making or authenticating copies or reproductions of materials transferred to his custody. All such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund provided for in section 5 of the act approved July 9, 1941. There shall be no charge for making or authenticating copies or reproductions of such materials for official use by the United States Government: *Provided*, That reimbursement may be accepted to cover the cost of furnishing such copies or reproductions that could not otherwise be furnished.

## "LIMITATION ON LIABILITY"

"SEC. 510. With respect to letters and other intellectual productions (exclusive of material copyrighted or patented) after they come into the custody or possession of the Administrator, neither the United States nor its agents shall be liable for any infringement of literary property rights or analogous rights arising thereafter out of use of such materials for display, inspection, research, reproduction, or other purposes.

## "DEFINITIONS"

"SEC. 511. When used in this title—

"(a) The term 'records' shall have the meaning given to such term by section 1 of the act entitled 'An act to provide for the disposal of certain records of the United States Government,' approved July 7, 1943 (57 Stat. 380, as amended; 44 U. S. C. 366).

"(b) The term 'records center' means an establishment maintained by the Administrator or by a Federal agency primarily for the storage, servicing, security, and processing of records that must be preserved for varying periods of time and need not be retained in office equipment and space;

"(c) the term 'servicing' means making available for use information in records and other materials in the custody of the Administrator—

"(1) by furnishing such records or other materials, or information from such records or other materials, or copies or reproductions thereof to agencies of the Government for official use and to the public; and

"(2) by making and furnishing authenticated or unauthenticated copies or reproductions of such records and other materials;

"(d) The term 'National Archives of the United States' means those official records that have been determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government, and have been accepted by the Administrator for deposit in his custody;

"(e) The term 'unauthenticated copies' means exact copies or reproductions of rec-

ords or other materials that are not certified as such under seal and that need not be legally accepted as evidence; and

"(f) The term 'Archivist' means the Archivist of the United States."

SEC. 7. The Federal Property and Administrative Services Act of 1949 is further amended by—

(a) striking out the word "and" preceding "(2)" in subsection (d) of section 3 thereof; substituting a semicolon for the period at the end of said subsection; and adding at the end of such subsection the following: "and (3) records of the Federal Government."

(b) striking out, in section 208 (a) thereof, the expression "and V," and inserting in lieu thereof the expression "V, and VI";

(c) striking out, in section 208 (b) thereof, the expression "and V" and inserting in lieu thereof the expression "V, and VI";

(d) striking out the word "and" at the end of paragraph (30) of section 602 (a); striking out the period at the end of paragraph (31) of section 602 (a) and inserting in lieu thereof a semicolon; and adding at the end of section 602 (a) the following new paragraphs:

"(32) the act entitled 'An act to establish a National Archives of the United States Government, and for other purposes,' approved June 19, 1934 (48 Stat. 1122-1124, as amended; 44 U. S. C. 300, 300a, 300c-k); and

"(33) section 4 of the act of February 3, 1905 (33 Stat. 687, as amended; 5 U. S. C. 77)."

(e) amending subsections 602 (b) and (c) thereof to read as follows:

"(b) There are hereby superseded—

"(1) the provisions of the first, third, and fifth paragraphs of section 1 of Executive Order No. 6166 of June 10, 1933, insofar as they relate to any function now administered by the Bureau of Federal Supply except functions with respect to standard contract forms; and

"(2) sections 2 and 4 of the act entitled 'An act to provide for the disposal of certain records of the United States Government,' approved July 7, 1943 (57 Stat. 381, as amended; 44 U. S. C. 367 and 369), to the extent that the provisions thereof are inconsistent with the provisions of title V of this act.

"(c) The authority conferred by this act shall be in addition and paramount to any authority conferred by any other law and shall not be subject to the provisions of any law inconsistent herewith, except that sections 205 (b) and 206 (c) of this act shall not be applicable to any Government corporation or agency which is subject to the Government Corporation Control Act (59 Stat. 597; 31 U. S. C. 841)."

(f) amending paragraphs (17), (18), and (19) of section 602 (d) thereof to read as follows:

"(17) the Central Intelligence Agency;

"(18) the Joint Committee on Printing, under the act entitled 'An act providing for the public printing and binding and the distribution of public documents' approved January 12, 1895 (28 Stat. 601), as amended or any other act; or

"(19) for such period of time as the President may specify, any other authority of any executive agency which the President determines within 1 year after the effective date of this act should, in the public interest, stand unimpaired by this act."

(g) striking out the period at the end of section 603 (a) thereof and inserting in lieu thereof a comma and the following: "including payment in advance, when authorized by the Administrator, for library memberships in societies whose publications are available to members only, or to members at a price lower than that charged to the general public."

SEC. 8. (a) Subsection 3 (b) of the Federal Property and Administrative Services Act of 1949 is amended to read as follows:

"(b) The term 'Federal agency' means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction)."

(b) Section 201 (b) of the Federal Property and Administrative Services Act of 1949 is amended by striking out the expression "or the Senate, or the House of Representatives,"

(c) Section 602 of the Federal Property and Administrative Services Act of 1949 is amended by redesigning subsection (e) thereof as subsection (f), and inserting, immediately after subsection (d) thereof, the following new subsection:

"(e) No provision of this act as originally enacted or as herein amended shall apply to the Senate or the House of Representatives (including the Architect of the Capitol and any building, activity, or function under his direction), but any of the services and facilities authorized by this act to be rendered or furnished shall, as far as practicable, be made available to the Senate, the House of Representatives, or the Architect of the Capitol, upon their request, and, if payment would be required for the rendition or furnishing of a similar service or facility to an executive agency, payment therefor shall be made by the recipient thereof, upon presentation of proper vouchers, in advance or by reimbursement (as may be agreed upon by the Administrator and the officer or body making such request). Such payment may be credited to the applicable appropriation of the executive agency receiving such payment."

SEC. 9. The Federal Property and Administrative Services Act of 1949, section 205 (h), is hereby amended by striking out the last word of the sentence "Title" and inserting in lieu thereof the word "Act."

SEC. 10. (a) Whenever any contract made on behalf of the Government by the head of any Federal agency, or by officers authorized by him to do so, includes a provision for liquidated damages for delay, the Comptroller General upon recommendation of such head is authorized and empowered to remit the whole or any part of such damages as in his discretion may be just and equitable.

(b) Section 306 of the Federal Property and Administrative Services Act of 1949, is hereby repealed, and this section shall be effective as of July 1, 1949.

SEC. 11. All laws or parts of laws in conflict with the amendments made by this act are, to the extent of such conflict, hereby repealed.

Mr. McCLELLAN. Mr. President, I move that the Senate disagree to the amendment of the House, ask a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. McCLELLAN, Mr. O'CONNOR, Mr. HUMPHREY, Mrs. SMITH of Maine, and Mr. SCHOEPPLE conferees on the part of the Senate.

## CALL OF THE CALENDAR—FURTHER REPAIRS TO THE SENATE CHAMBER

Mr. LUCAS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the call of the calendar for unobjection-to bills, beginning with the first bill appearing on the calendar.

The VICE PRESIDENT. Is there objection?







Committee, having had under consideration the bill (H. R. 9176) to establish a system of priorities and allocations for materials and facilities, authorize the requisitioning thereof, provide financial assistance for expansion of productive capacity and supply, strengthen controls over credit, regulate speculation on commodity exchanges, and by these measures facilitate the production of goods and services necessary for the national security, and for other purposes, had come to no resolution thereon.

#### CORRECTION OF ROLL CALL

Mr. KEARNEY. Mr. Speaker, on the roll call on the motion to recommit H. R. 5976 today, I understand I am recorded in the affirmative when I should have been recorded in the negative. I ask unanimous consent that the Record be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

#### AMENDMENT TO FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

Mr. DAWSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 3959) to amend the Federal Property and Administrative Services Act of 1949, and for other purposes, with House amendments thereto, insist on the House amendments and ask for a conference with the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, is this agreeable to the Republican members of the committee?

Mr. DAWSON. Yes.

Mr. MARTIN of Massachusetts. Has the gentleman consulted with them?

Mr. DAWSON. Yes, I have.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. DAWSON, BOLLING, HOLIFIELD, HARVEY, and LOVRE.

#### CONFERRING JURISDICTION ON THE COURTS OF THE STATE OF NEW YORK WITH RESPECT TO CIVIL ACTIONS BETWEEN INDIANS OR TO WHICH INDIANS ARE PARTIES

Mr. LYLE, from the Committee on Rules, reported the following privileged resolution (H. Res. 747, Rept. No. 2844), which was referred to the House Calendar and ordered to be printed:

*Resolved*, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 192) to confer jurisdiction on the courts of the State of New York with respect to civil actions between Indians or to which the Indians are parties. That after general debate which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Lands, the bill

shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

#### SETTLEMENT OF INTERCUSTODIAL CONFLICTS INVOLVING ENEMY PROPERTY

Mr. LYLE, from the Committee on Rules, reported the following privileged resolution (H. Res. 748, Rept. No. 2845), which was referred to the House Calendar and ordered to be printed:

*Resolved*, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H. J. Res. 516) authorizing the President, or such officer or agency as he may designate, to conclude and give effect to agreements for the settlement of intercustodial conflicts involving enemy property. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

#### HOUR OF MEETING TOMORROW

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on tomorrow at 10 o'clock a. m.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

#### PERIODIC CENSUS OF GOVERNMENTS

Mr. MURRAY of Tennessee. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 7265) to provide for the conduct of a periodic census of governments, with Senate amendments thereto, disagree to the amendments of the Senate, and ask for a conference.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the bill we have been working on this afternoon be the first order of business tomorrow?

The SPEAKER. Yes.

Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none and appoints the following conferees: Mr. MURRAY of Tennessee, Mr. MILLER of California, and Mr. REES.

#### RECLAMATION PROJECT ACT OF 1939

Mr. MURDOCK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 1922) to amend section 10 of the Reclamation Project Act of 1939, with a Senate amend-

ment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Line 11, after "project", insert "Provided, That, if a water users' organization is under contract obligation for repayment on account of the project or division involved, easements or rights-of-way for periods in excess of 25 years shall be granted only upon prior written approval of the governing board of such organization."

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

#### FIVE CIVILIZED TRIBES AND OTHER INDIANS OF EASTERN OKLAHOMA

Mr. MORRIS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 9219) to promote the rehabilitation of the Five Civilized Tribes and other Indians of eastern Oklahoma, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. MORRIS. I shall be glad to. This type of bill is usually referred to as a rehabilitation bill. It provides for the setting up of a revolving fund of \$10,000,000 for the Five Civilized Tribes and other Indians in the State of Oklahoma. It is not a grant; it is merely a loan, except that 20 percent of it is nonreimbursable; 80 percent is a loan to rehabilitate these Indians and to help them become self-sustaining citizens in their economic life. This follows the pattern that has been set by this House in recent days. We passed two like bills for the State of Montana, introduced by our colleague, the gentleman from Montana [Mr. D'EWART], and two for our late and lamented colleague, the gentleman from North Dakota, Mr. Lemke. This bill follows the pattern.

Mr. MARTIN of Massachusetts. Is it a unanimous report of the committee?

Mr. MORRIS. It is.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

Mr. TABER. Mr. Speaker, further reserving the right to object, how much money is involved?

Mr. MORRIS. There is an involvement of \$10,000,000, but, as I say, it is a loan and not a grant, except 20 percent that is nonreimbursable.

Mr. TABER. I think this ought to come up under the regular rules of the House, Mr. Speaker, and I shall be obliged to object.

Mr. MORRIS. Would the gentleman reserve his objection for a moment?

Mr. TABER. Yes.

Mr. MORRIS. I will say this to the gentleman, that time is of the essence



here. As I suggested just a moment or two ago, we have passed four bills like this, I will say to the gentleman from New York: Two for the State of Montana of which the gentleman from Montana [Mr. D'EWART] was the author, and two for our late and lamented colleague, the gentleman from North Dakota, Mr. Lemke. This bill follows the pattern that we have set. These are loans for these Indians. The money is badly needed. These people are in dire circumstances; at least, some of them.

Mr. TABER. How many Indians?

Mr. MORRIS. Sixty-four thousand in all. There are 14,200 families altogether, approximately.

Mr. TABER. How many of them are wealthy?

Mr. MORRIS. I will ask the author of the bill, the gentleman from Oklahoma [Mr. STIGLER], to explain that in detail.

Mr. STIGLER. Mr. Speaker, these Indians may be divided into 4 groups. The breakdown is as follows: In group 1 there are 7 percent, who enjoy the highest standard of living. In group 2 there are 44 percent. They are in the middle class. They have comfortable homes. In group 3 there are 27 percent. They have low incomes and very, very bad housing, with difficult living conditions, but they are not on relief. Then in group 4 there are 22 percent, who have the lowest standard of living and very bad housing. They are all on relief.

Mr. TABER. I think I must object, Mr. Speaker.

Mr. MORRIS. I do not want to be too persistent on it, but I should like our general chairman to make a statement, if it is satisfactory to the gentleman from New York to reserve his objection for just a little while longer. Then I should like to make this final statement.

I realize how interested the gentleman is in economy. I appreciate his position. However, I honestly and sincerely believe that this will be as good an economic move as we could possibly make in this field. This is not a grant; it is a loan. It will keep them from coming back to our Government and asking for grants. It will rehabilitate them. It will give them a chance to furnish a living for themselves, and in the long run it will be a good, economic endeavor, in my judgment.

Mr. TABER. The trouble is, you are spending so everlastingly much money now. The Bureau of Indian Affairs is costing an enormous sum of money and we are not getting any results out of it. All this would be done under the direction of the Bureau of Indian Affairs, and under the direction of Dillon Myer, a notorious character. It just does not make sense to me. I must object.

Mr. NICHOLSON. If the gentleman will withhold his objection for a moment, may I ask him if this proposition is likely to save some money, would it be possible not to put it in the Department of the Interior for that Department to supervise?

Mr. TABER. I assume it goes into the Department of the Interior. That is the only place there is that handles Indian affairs in this country.

Mr. NICHOLSON. Would the gentleman from New York reserve his objection

so that the gentleman from Oklahoma might explain?

Mr. TABER. I think the bill ought to come up in the regular way, under the regular rules.

The SPEAKER. The gentleman continues to object.

#### WADE H. NOLAND

Mr. BYRNE of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 2854) for the relief of Wade H. Noland, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 6, strike out "\$145.50" and insert "\$228.25."

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the situation?

Mr. BYRNE of New York. I cleared this with the gentleman from Michigan [Mr. MICHENER]. There are three bills. The gentleman from Massachusetts, the distinguished minority leader, was sitting near him and I thought at the time that he spoke to him about it.

Mr. MARTIN of Massachusetts. I was not aware of it.

Mr. BYRNE of New York. I cleared it with the gentleman from Michigan and he approved this action on the three bills. I trust that is satisfactory.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

#### PRESTON L. WATSON

Mr. BYRNE of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 1056) to confer jurisdiction on the Court of Claims to hear and determine the claim of Preston L. Watson as administrator of the goods and chattels, rights, and credits which were of Robert A. Watson, deceased, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. BYRNE of New York, LANE, and JENNINGS.

#### EWA PLANTATION CO.

Mr. BYRNE of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 2233) for the relief of Ewa Plantation Co., a Hawaiian corporation, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. BYRNE of New York, DENTON, and JENNINGS.

(Mr. ANGELL asked and was given permission to extend his remarks at this point and include a resolution.)

DR. PAUL J. RAVER, BONNEVILLE ADMINISTRATOR, AN EFFICIENT AND DEPENDABLE PUBLIC SERVANT

Mr. ANGELL. Mr. Speaker, Dr. Paul J. Raver for many years has been Administrator of the Bonneville Administration and the Administration has its offices in my congressional district in Portland, Oreg. During my service in the Congress I have had occasion to observe the work of Dr. Raver and have found him at all times to be most cooperative and devoted to the heavy responsibilities resting upon him. He has done an outstanding and noteworthy job in developing and administering the great public-power resources of the Pacific Northwest. He enjoys the confidence and esteem of the citizens of the Northwest and he has received many commendations for the outstanding job he is doing.

Based upon my long experience with the Bonneville Administration, in my opinion the recent criticism of Dr. Raver which appeared in the August Reader's Digest was wholly unjustified.

As a part of my remarks I include a resolution recently adopted by the Yamhill County Pomona Grange expressing the commendation of that organization for Dr. Raver's activities in which they say:

*Resolved*, That we express our commendation of Dr. Raver for his restraint in this attempt at character assassination, and reaffirm our faith and confidence in his proven integrity and the constructive leadership he has given to the great Federal power development of the Columbia River.

The following is the resolution in full:

We, the members of the Yamhill County Pomona Grange, wish to commend the Portland Oregonian for its alertness and aggressiveness in the public interest through exposing the editorial dishonesty and deliberate distortion of facts by the August Reader's Digest in an article entitled "What Does CVA Mean to You?", by Leslie A. Miller.

The article calls Dr. Paul J. Raver, Bonneville Administrator, a socialist, and links him with two other "old-time socialists," Stephen Raushenbush and Dr. Carl D. Thompson. These three, the article says, were "neatly placed in strategic spots for promoting their socialistic dreams."

The Oregonian not only secured an admission from Mr. Miller, the alleged author, that the socialist accusations were not written by him, but also an admission by Alfred S. Dashell, managing editor of the magazine, that the phrase calling Dr. Raver a "socialist" was inserted after Miller's article was accepted.

Furthermore, The Oregonian implied in an editorial July 25, that the Digest article may be a part of a national campaign by private utilities to discredit valley authorities and all public utilities with the label of socialism. Cited by The Oregonian was a booklet issued in January by the Electric Companies Advertising Program, which says, in part, "From the preceding charts it is apparent that to link our fight to the TVA question would run us into a lot of opposition, most of it







## AMENDMENTS TO FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

AUGUST 25, 1950.—Ordered to be printed

Mr. DAWSON, from the committee of conference, submitted the following

### CONFERENCE REPORT

[To accompany S. 3959]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3959) entitled "An Act to amend the Federal Property and Administrative Services Act of 1949, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following: *That the parenthetical expression appearing in clause (1) of the final sentence of subsection (a) of section 109 of the Federal Property and Administrative Services Act of 1949 (Public Law 152, Eighty-first Congress) is amended to read as follows:*

*"(including the purchase from or through the Public Printer, for warehouse issue, of standard forms, blankbook work, standard specifications, and other printed material in common use by Federal agencies not available through the Superintendent of Documents)."*

SEC. 2. (a) *Clause (2) of the final sentence of subsection (a) of section 109 of the Federal Property and Administrative Services Act of 1949, as hereinbefore amended, is amended to read as follows: "(2) for paying the purchase price, transportation to first storage point of supplies and services, and the cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property."*

(b) *The third sentence of subsection (b) of section 109 of such Act is amended to read as follows: "On and after such date, such prices shall be fixed at levels so as to recover so far as practicable the applicable purchase*



price, the transportation cost to first storage point, inventory losses, the cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property, and the cost of amortization and repair of equipment utilized for lease or rent to executive agencies."

(c) The amendments made by this section shall be effective on the date, not earlier than July 1, 1950, on which the Administrator of General Services shall determine that appropriated funds adequate to effectuate the purposes of such amendments have been made available.

SEC. 3. (a) The final sentence of subsection (b) of section 109 of the Federal Property and Administrative Services Act of 1949 is amended to read as follows: "Where an advance of funds is not made, the General Services Administration shall be reimbursed promptly out of funds of the requisitioning agency in accordance with accounting procedures approved by the Comptroller General: Provided, That in any case where payment shall not have been made by the requisitioning agency within forty-five days after the date of billing by the Administrator or the date on which an actual liability for supplies or services is incurred by the Administrator, whichever is the later, reimbursement may be obtained by the Administrator by the issuance of transfer and countervarrants, or other lawful transfer documents, supported by itemized invoices."

(b) Section 109 of the Federal Property and Administrative Services Act of 1949 is amended by adding at the end thereof the following new subsection:

"(g) Whenever any producer or vendor shall tender any article or commodity for sale to the General Services Administration or to any procurement authority acting under the direction and control of the Administrator pursuant to this Act, the Administrator is authorized in his discretion, with the consent of such producer or vendor, to cause to be conducted, in such manner as the Administrator shall specify, such tests as he shall prescribe to determine whether such article or commodity conforms to prescribed specifications and standards. When the Administrator determines that the making of such tests will serve predominantly the interest of such producer or vendor, he shall charge such producer or vendor a fee which shall be fixed by the Administrator in such amount as will recover the cost of conducting such tests, including all components of such cost, determined in accordance with accepted accounting principles. When the Administrator determines that the making of such tests will not serve predominantly the interest of such producer or vendor, he shall charge such producer or vendor such fee as he shall determine to be reasonable for the furnishing of such testing service. All such fees collected by the Administrator may be deposited in the General Supply Fund to be used for any purpose authorized by subsection 109 (a) of this Act."

SEC. 4. Paragraphs (1) and (2) of section 203 (j) of the Federal Property and Administrative Services Act of 1949 are amended to read as follows:

"(1) Under such regulations as he may prescribe, the Administrator is authorized in his discretion to donate for educational purposes or public health purposes, including research, in the States, Territories, and possessions without cost (except for costs of care and handling) such equipment, materials, books, or other supplies under the control of any executive agency as shall have been determined to be surplus property and which shall have been determined under paragraph (2) or paragraph

(3) of this subsection to be usable and necessary for educational purposes or public health purposes, including research.

"(2) Determination whether such surplus property (except surplus property donated in conformity with paragraph (3) of this subsection) is usable and necessary for educational purposes or public health purposes, including research, shall be made by the Federal Security Administrator, who shall allocate such property on the basis of needs and utilization for transfer by the Administrator of General Services to tax-supported medical institutions, hospitals, clinics, health centers, school systems, schools, colleges, and universities, and to other nonprofit medical institutions, hospitals, clinics, health centers, schools, colleges, and universities which have been held exempt from taxation under section 101 (6) of the Internal Revenue Code, or to State departments of education or health for distribution to such tax-supported and nonprofit medical institutions, hospitals, clinics, health centers, school systems, schools, colleges, and universities; except that in any State where another agency is designated by State law for such purpose such transfer shall be made to said agency for such distribution within the State."

SEC. 5. The Federal Property and Administrative Services Act of 1949 is amended by—

(a) redesignating section 210 thereof as section 212, and wherever such section number appears in such Act as originally enacted, it is amended to conform to the redesignation prescribed by this subsection;

(b) inserting in the table of contents appearing in the first section of such Act, immediately after the line in which "Sec. 209." appears, the following:

"Sec. 210. Operation of buildings and related activities.

"Sec. 211. Motor vehicle identification."

(c) inserting, immediately after section 209 thereof, the following new sections:

#### "OPERATION OF BUILDINGS AND RELATED ACTIVITIES

"SEC. 210. (a) Whenever and to the extent that the Administrator has been or hereafter may be authorized by any provision of law other than this subsection to maintain, operate, and protect any building, property, or grounds situated in or outside the District of Columbia, including the construction, repair, preservation, demolition, furnishing, and equipment thereof, he is authorized in the discharge of the duties so conferred upon him—

"(1) to purchase, repair, and clean uniforms for civilian employees of the General Services Administration who are required by law or regulation to wear uniform clothing;

"(2) to furnish arms and ammunition for the protection force maintained by the General Services Administration;

"(3) to pay ground rent for buildings owned by the United States or occupied by Federal agencies, and to pay such rent in advance when required by law or when the Administrator shall determine such action to be in the public interest;

"(4) to employ and pay personnel employed in connection with the functions of operation, maintenance, and protection of property at such per diem rates as may be approved by the Administrator,

not exceeding rates currently paid by private industry for similar services in the place where such services are performed;

"(5) without regard to the provisions of section 322 of the Act of June 30, 1932 (47 Stat. 412), as amended, to pay rental, and to make repairs, alterations, and improvements under the terms of any lease entered into by, or transferred to, the General Services Administration for the housing of any Federal agency which on June 30, 1950, was specifically exempted by law from the requirements of said section;

"(6) to obtain payments, through advances or otherwise, for services, space, quarters, maintenance, repair, or other facilities furnished, on a reimbursable basis, to any other Federal agency, or any mixed-ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, and to credit such payments to the applicable appropriation of the General Services Administration;

"(7) to make changes in, maintain, and repair the pneumatic tube system connecting buildings owned by the United States or occupied by Federal agencies in New York City installed under franchise of the city of New York, approved June 29, 1909, and June 11, 1928, and to make payments of any obligations arising thereunder in accordance with the provisions of the Acts approved August 5, 1909 (36 Stat. 120), and May 15, 1928 (45 Stat. 533);

"(8) to repair, alter, and improve rented premises, without regard to the 25 per centum limitation of section 322 of the Act of June 30, 1932 (47 Stat. 412), as amended, upon a determination by the Administrator that by reason of circumstances set forth in such determination the execution of such work, without reference to such limitation, is advantageous to the Government in terms of economy, efficiency, or national security: Provided, That such determination shall show that the total cost (rentals, repairs, alterations, and improvements) to the Government for the expected life of the lease shall be less than the cost of alternative space which needs no such repairs, alterations, or improvements. A copy of every such determination so made shall be furnished to the General Accounting Office;

"(9) to pay sums in lieu of taxes on real property declared surplus by Government corporations, pursuant to the Surplus Property Act of 1944, where legal title to such property remains in any such Government corporation;

"(10) to furnish utilities and other services where such utilities and other services are not provided from other sources to persons, firms, or corporations occupying or utilizing plants or portions of plants which constitute (A) a part of the National Industrial Reserve pursuant to the National Industrial Reserve Act of 1948, or (B) surplus real property, and to credit the amounts received therefrom to the applicable appropriation of the General Services Administration;

"(11) at the direction of the Secretary of Defense, to use proceeds received from insurance against damage to properties of the National Industrial Reserve for repair or restoration of the damaged properties; and

"(12) to acquire, by purchase, condemnation, or otherwise, real estate and interests therein.



"(b) At the request of any Federal agency or any mixed-ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, the Administrator is hereby authorized to operate, maintain, and protect any building owned by the United States (or, in the case of any wholly owned or mixed-ownership Government corporation, by such corporation) and occupied by the agency or instrumentality making such request.

"(c) At the request of any Federal agency or any mixed-ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, the Administrator is hereby authorized (1) to acquire land for buildings and projects authorized by the Congress; (2) to make or cause to be made, under contract or otherwise, surveys and test borings and to prepare plans and specifications for such buildings and projects prior to the approval by the Attorney General of the title to the sites thereof; and (3) to contract for, and to supervise, the construction and development and the equipping of such buildings or projects. Any sum available to any such Federal agency or instrumentality for any such building or project may be transferred by such agency to the General Services Administration in advance for such purposes as the Administrator shall determine to be necessary, including the payment of salaries and expenses of personnel engaged in the preparation of plans and specifications or in field supervision, and for general office expenses to be incurred in the rendition of any such service.

"(d) Whenever the Director of the Bureau of the Budget shall determine such action to be in the interest of economy or efficiency, he shall transfer to the Administrator all functions then vested in any other Federal agency with respect to the operation, maintenance, and custody of any office building owned by the United States or any wholly owned Government corporation, or any office building or part thereof occupied by any Federal agency under any lease, except that no transfer shall be made under this subsection—

"(1) of any post-office building unless the Director shall first determine that such building is not used predominantly for post-office purposes, and functions which are transferred hereunder to the Administrator with respect to any post-office building may be delegated by him only to another officer or employee of the General Services Administration or to the Postmaster General;

"(2) of any building located in any foreign country;

"(3) of any building located on the grounds of any fort, camp, post, arsenal, navy yard, naval training station, airfield, proving ground, military supply depot, or school, or of any similar facility of the Department of Defense, unless and to such extent as a permit for its use by another agency or agencies shall have been issued by the Secretary of Defense or his duly authorized representative;

"(4) of any building which the Director of the Bureau of the Budget finds to be a part of a group of buildings which are (A) located in the same vicinity, (B) utilized wholly or predominantly for the special purposes of the agency having custody thereof, and (C) not generally suitable for the use of other agencies; or

"(5) of the Treasury Building, the Bureau of Engraving and Printing Building, the buildings occupied by the National Bureau of Standards, and the buildings under the jurisdiction of the regents of the Smithsonian Institution.

"(e) Notwithstanding any other provision of law, the Administrator is authorized, in accordance with policies and directives prescribed by the President under section 205 (a) and after consultation with the heads of the executive agencies affected, to assign and reassign space of all executive agencies in Government-owned and leased buildings in and outside the District of Columbia upon a determination by the Administrator that such assignment or reassignment is advantageous to the Government in terms of economy, efficiency, or national security.

#### "MOTOR VEHICLE IDENTIFICATION

"SEC. 211. Under regulations prescribed by the Administrator, every motor vehicle acquired and used for official purposes within the United States, its Territories, or possessions, by any Federal agency or the District of Columbia shall be conspicuously identified by showing thereon either (a) the full name of the department, establishment, corporation, or agency by which it is used and the service in which it is used, or (b) a title descriptive of the service in which it is used if such title readily identifies the department, establishment, corporation, or agency concerned, and the legend 'For official use only': Provided, That the regulations issued pursuant to this section may provide for exemptions from the requirement of this section when conspicuous identification would interfere with the purpose for which a vehicle is acquired and used."

SEC. 6. The Federal Property and Administrative Services Act of 1949 is amended by—

(a) redesignating "title V" of such Act as "title VI" thereof, and "title V", wherever it appears therein, is amended to read "title VI";

(b) redesignating sections 501-505, inclusive, of such Act, respectively, as sections 601-605, inclusive, thereof, and wherever any such section number appears in such Act as originally enacted, it is amended to conform in numbering to the redesignation prescribed by this subsection;

(c) inserting at the proper place in the table of contents to such Act the following:

#### "TITLE V—FEDERAL RECORDS

"Sec. 501. Short title.

"Sec. 502. Custody and control of property.

"Sec. 503. National Historical Publications Commission.

"Sec. 504. Federal Records Council.

"Sec. 505. Records management; the Administrator.

"Sec. 506. Records management; agency heads.

"Sec. 507. Archival administration.

"Sec. 508. Reports.

"Sec. 509. Legal status of reproductions.

"Sec. 510. Limitation on liability.

"Sec. 511. Definitions."

(d) inserting, immediately following title IV thereof, the following new title:

#### "TITLE V—FEDERAL RECORDS

##### "SHORT TITLE

"SEC. 501. This title may be cited as the 'Federal Records Act of 1950'.

*"CUSTODY AND CONTROL OF PROPERTY"*

*"SEC. 502. The Administrator shall have immediate custody and control of the National Archives Building and its contents, and shall have authority to design, construct, purchase, lease, maintain, operate, protect, and improve buildings used by him for the storage of records of Federal agencies in the District of Columbia and elsewhere.*

*"NATIONAL HISTORICAL PUBLICATIONS COMMISSION"*

*"SEC. 503. (a) There is hereby created a National Historical Publications Commission consisting of the Archivist (or an alternate designated by him), who shall be Chairman; the Librarian of Congress (or an alternate designated by him); one Member of the United States Senate to be appointed, for a term of four years, by the President of the Senate; one Member of the House of Representatives to be appointed, for a term of two years, by the Speaker of the House of Representatives; one representative of the judicial branch of the Government to be appointed, for a term of four years, by the Chief Justice of the United States; one representative of the Department of State to be appointed, for a term of four years, by the Secretary of State; one representative of the Department of Defense to be appointed, for a term of four years, by the Secretary of Defense; two members of the American Historical Association to be appointed by the council of the said association, one of whom shall serve an initial term of two years and the other an initial term of three years, but their successors shall be appointed for terms of four years; and two other members outstanding in the fields of the social or physical sciences to be appointed by the President of the United States, one of whom shall serve an initial term of one year and the other an initial term of three years, but their successors shall be appointed for terms of four years. The Commission shall meet annually and on call of the Chairman.*

*"(b) Any person appointed to fill a vacancy in the membership of the Commission shall be appointed only for the unexpired term of the member whom he shall succeed, and his appointment shall be made in the same manner in which the appointment of his predecessor was made.*

*"(c) The Commission is authorized to appoint, without reference to the Classification Act of 1949 (Public Law 429, 81st Congress, approved October 28, 1949), an executive director and such editorial and clerical staff as the Commission may determine to be necessary. Members of the Commission who represent any branch or agency of the Government shall serve as members of the Commission without additional compensation. All members of the Commission shall be reimbursed for transportation expenses incurred in attending meetings of the Commission, and all such members other than those who represent any branch or agency of the Government of the United States shall receive in lieu of subsistence en route to or from or at the place of such service, for each day actually spent in connection with the performance of their duties as members of such Commission, such sum, not to exceed \$25, as the Commission shall prescribe.*

*"(d) The Commission shall make plans, estimates, and recommendations for such historical works and collections of sources as it deems appropriate for printing or otherwise recording at the public expense. The Commission shall also cooperate with and encourage appropriate*



*Federal, State, and local agencies and nongovernmental institutions, societies, and individuals in collecting and preserving and, when it deems such action to be desirable, in editing and publishing the papers of outstanding citizens of the United States and such other documents as may be important for an understanding and appreciation of the history of the United States. The Chairman of the Commission shall transmit to the Administrator from time to time, and at least once annually, such plans, estimates, and recommendations as have been approved by the Commission.*

#### **"FEDERAL RECORDS COUNCIL**

*"SEC. 504. The Administrator shall establish a Federal Records Council, and shall advise and consult with the Council with a view to obtaining its advice and assistance in carrying out the purposes of this title. The Council shall include representatives of the legislative, judicial, and executive branches of the Government in such number as the Administrator shall determine, but such Council shall include at least four representatives of the legislative branch, at least two representatives of the judicial branch, and at least six representatives of the executive branch. Members of the Council representing the legislative branch shall be designated, in equal number, by the President of the Senate and the Speaker of the House of Representatives, respectively. Members of the Council representing the judicial branch shall be designated by the Chief Justice of the United States. The Administrator is authorized to designate from persons named by the head of any executive agency concerned, not more than one representative from such agency to serve as a member of the Council. Members of the Council shall serve without compensation, but shall be reimbursed for all necessary expenses actually incurred in the performance of their duties as members of the Council. The Council shall elect a chairman from among its own membership, and shall meet at least once annually.*

#### **"RECORDS MANAGEMENT; THE ADMINISTRATOR**

*"SEC. 505. (a) The Administrator shall make provisions for the economical and efficient management of records of Federal agencies (1) by analyzing, developing, promoting, and coordinating standards, procedures, and techniques designed to improve the management of records, to insure the maintenance and security of records deemed appropriate for preservation, and to facilitate the segregation and disposal of records of temporary value, and (2) by promoting the efficient and economical utilization of space, equipment, and supplies needed for the purpose of creating, maintaining, storing, and servicing records.*

*"(b) The Administrator shall establish standards for the selective retention of records of continuing value, and assist Federal agencies in applying such standards to records in their custody; and he shall notify the head of any Federal agency of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of such agency that shall come to his attention, and assist the head of such agency in initiating action through the Attorney General for the recovery of such records as shall have been unlawfully removed and for such other redress as may be provided by law.*

*"(c) The Administrator is authorized to inspect or survey personally or by deputy the records of any Federal agency, as well as to make surveys*

of records management and records disposal practices in such agencies, and shall be given the full cooperation of officials and employees of agencies in such inspections and surveys: *Provided*, That records, the use of which is restricted by or pursuant to law or for reasons of national security or the public interest, shall be inspected or surveyed in accordance with regulations promulgated by the Administrator, subject to the approval of the head of the custodial agency.

"(d) The Administrator is authorized to establish, maintain, and operate records centers for the storage, processing, and servicing of records for Federal agencies pending their deposit with the National Archives of the United States or their disposition in any other manner authorized by law; and to establish, maintain, and operate centralized microfilming services for Federal agencies.

"(e) Subject to applicable provisions of law, the Administrator shall promulgate regulations governing the transfer of records from the custody of one executive agency to that of another.

"(f) The Administrator may empower any Federal agency, upon the submission of evidence of need therefor, to retain records for a longer period than that specified in disposal schedules approved by Congress, and, in accordance with regulations promulgated by him, may withdraw disposal authorizations covering records listed in disposal schedules approved by Congress.

#### "RECORDS MANAGEMENT; AGENCY HEADS

"SEC. 506. (a) The head of each Federal agency shall cause to be made and preserved records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities.

"(b) The head of each Federal agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency. Such program shall, among other things, provide for (1) effective controls over the creation, maintenance, and use of records in the conduct of current business; (2) cooperation with the Administrator in applying standards, procedures, and techniques designed to improve the management of records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records of temporary value; and (3) compliance with the provisions of this title and the regulations issued thereunder.

"(c) Whenever the head of a Federal agency determines that substantial economies or increased operating efficiency can be effected thereby, he shall provide for the storage, processing, and servicing of records that are appropriate therefor in a records center maintained and operated by the Administrator or, when approved by the Administrator, in such a center maintained and operated by the head of such Federal agency.

"(d) Any official of the Government who is authorized to certify to facts on the basis of records in his custody, is hereby authorized to certify to facts on the basis of records that have been transferred by him or his predecessors to the Administrator.

"(e) The head of each Federal agency shall establish such safeguards against the removal or loss of records as he shall determine to be necessary and as may be required by regulations of the Administrator. Such

safeguards shall include making it known to all officials and employees of the agency (1) that no records in the custody of the agency are to be alienated or destroyed except in accordance with the provisions of the Act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434), and (2) the penalties provided by law for the unlawful removal or destruction of records.

“(f) The head of each Federal agency shall notify the Administrator of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency of which he is the head that shall come to his attention, and with the assistance of the Administrator shall initiate action through the Attorney General for the recovery of records he knows or has reason to believe have been unlawfully removed from his agency, or from any other Federal agency whose records have been transferred to his legal custody.

“(g) Nothing in this title shall be construed as limiting the authority of the Comptroller General of the United States with respect to prescribing accounting systems, forms, and procedures, or lessening the responsibility of collecting and disbursing officers for rendition of their accounts for settlement by the General Accounting Office.

#### “ARCHIVAL ADMINISTRATION

“SEC. 507. (a) The Administrator, whenever it appears to him to be in the public interest, is hereby authorized—

“(1) to accept for deposit with the National Archives of the United States the records of any Federal agency or of the Congress of the United States that are determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government;

“(2) to direct and effect, with the approval of the head of the originating agency (or if the existence of such agency shall have been terminated, then with the approval of his successor in function, if any), the transfer of records deposited (or approved for deposit) with the National Archives of the United States to public or educational institutions or associations: Provided, That the title to such records shall remain vested in the United States unless otherwise authorized by Congress; and

“(3) to direct and effect the transfer of materials from private sources authorized to be received by the Administrator by the provisions of subsection (e) of this section.

“(b) The Administrator shall be responsible for the custody, use, and withdrawal of records transferred to him: Provided, That whenever any records the use of which is subject to statutory limitations and restrictions are so transferred, permissive and restrictive statutory provisions with respect to the examination and use of such records applicable to the head of the agency from which the records were transferred or to employees of that agency shall thereafter likewise be applicable to the Administrator, the Archivist, and to the employees of the General Services Administration, respectively: Provided further, That whenever the head of any agency shall specify in writing restrictions that appear to him to be necessary or desirable in the public interest, on the use or examination of records being considered for transfer from his custody to the Administrator, the Administrator shall impose such restrictions on the records so transferred, and shall not remove or relax such restrictions without the



concurrence in writing of the head of the agency from which the material shall have been transferred (or if the existence of such agency shall have been terminated, then he shall not remove or relax such restrictions without the concurrence of the successor in function, if any, of such agency head): Provided, however, That statutory and other restrictions referred to in the provisos of this subsection shall not remain in force or effect after the records have been in existence for fifty years unless the Administrator by order shall determine with respect to specific bodies of records that such restrictions shall remain in force and effect for a longer period: And provided further, That restrictions on the use or examination of records deposited with the National Archives of the United States heretofore imposed and now in force and effect under the terms of section 3 of the National Archives Act, approved June 19, 1934, shall continue in force and effect regardless of the expiration of the tenure of office of the official who imposed them but may be removed or relaxed by the Administrator with the concurrence in writing of the head of the agency from which material has been transferred (or if the existence of such agency shall have been terminated, then with the concurrence in writing of his successor in function, if any).

"(c) The Administrator shall make provisions for the preservation, arrangement, repair and rehabilitation, duplication and reproduction (including microcopy publications), description, and exhibition of records transferred to him as may be needful or appropriate, including the preparation and publication of inventories, indexes, catalogs, and other finding aids or guides facilitating their use; and, when approved by the National Historical Publications Commission, he may also publish such historical works and collections of sources as seem appropriate for printing or otherwise recording at the public expense.

"(d) The Administrator shall make such provisions and maintain such facilities as he deems necessary or desirable for servicing records in his custody that are not exempt from examination by statutory provisions or other restrictions.

"(e) The Administrator may accept for deposit—

"(1) the personal papers and other personal historical documentary materials of the present President of the United States, his successors, heads of executive departments, and such other officials of the Government as the President may designate, offered for deposit under restrictions respecting their use specified in writing by the prospective depositors: Provided, That restrictions so specified on such materials, or any portions thereof, accepted by the Administrator for such deposit shall have force and effect during the lifetime of the depositor or for a period not to exceed twenty-five years, whichever is longer, unless sooner terminated in writing by the depositor or his legal heirs: And provided further, That the Archivist determines that the materials accepted for such deposit will have continuing historical or other values;

"(2) motion-picture films, still pictures, and sound recordings from private sources that are appropriate for preservation by the Government as evidence of its organization, functions, policies, decisions, procedures, and transactions.

Title to materials so deposited under this subsection shall pass to and vest in the United States.

"(f) The Administrator is hereby authorized to make and preserve motion-picture films, still pictures, and sound recordings pertaining to

and illustrative of the historical development of the United States Government and its activities, and to make provisions for preparing, editing, titling, scoring, processing, duplicating, reproducing, exhibiting, and releasing for nonprofit educational purposes, motion-picture films, still pictures, and sound recordings in his custody.

#### "REPORTS

"SEC. 508. (a) The Administrator is hereby authorized, whenever he deems it necessary, to obtain reports from Federal agencies on their activities under the provisions of this title and the Act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434).

"(b) The Administrator shall, whenever he finds that any provisions of this title have been or are being violated, inform in writing the head of the agency concerned of such violations and make recommendations regarding means of correcting them. Unless corrective measures satisfactory to the Administrator are inaugurated within a reasonable time, the Administrator shall submit a written report thereon to the President and the Congress.

#### "LEGAL STATUS OF REPRODUCTIONS

"SEC. 509. (a) Whenever any records that are required by statute to be retained indefinitely have been reproduced by photographic, microphotographic, or other processes, in accordance with standards established by the Administrator, the indefinite retention of such photographic, microphotographic, or other reproductions will be deemed to constitute compliance with the statutory requirement for the indefinite retention of such original records. Such reproductions, as well as reproductions made in compliance with regulations promulgated to carry out this title, shall have the same legal status as the originals thereof.

"(b) There shall be an official seal for the National Archives of the United States which shall be judicially noticed. When any copy or reproduction, furnished under the terms hereof, is authenticated by such official seal and certified by the Administrator, such copy or reproduction shall be admitted in evidence equally with the original from which it was made.

"(c) The Administrator may charge a fee not in excess of 10 per centum above the costs or expenses for making or authenticating copies or reproductions of materials transferred to his custody. All such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund provided for in section 5 of the Act approved July 9, 1941. There shall be no charge for making or authenticating copies or reproductions of such materials for official use by the United States Government: Provided, That reimbursement may be accepted to cover the cost of furnishing such copies or reproductions that could not otherwise be furnished.

#### "LIMITATION ON LIABILITY

"SEC. 510. With respect to letters and other intellectual productions (exclusive of material copyrighted or patented) after they come into the custody or possession of the Administrator, neither the United States nor its agents shall be liable for any infringement of literary property rights or analogous rights arising thereafter out of use of such materials for display, inspection, research, reproduction, or other purposes.

**"DEFINITIONS**

"SEC. 511. When used in this title—

"(a) The term 'records' shall have the meaning given to such term by section 1 of the Act entitled 'An Act to provide for the disposal of certain records of the United States Government', approved July 7, 1943 (57 Stat. 380, as amended; 44 U. S. C. 366);

"(b) The term 'records center' means an establishment maintained by the Administrator or by a Federal agency primarily for the storage, servicing, security, and processing of records that must be preserved for varying periods of time and need not be retained in office equipment and space;

"(c) The term 'servicing' means making available for use information in records and other materials in the custody of the Administrator—

"(1) by furnishing such records or other materials, or information from such records or other materials, or copies or reproductions thereof to agencies of the Government for official use and to the public; and

"(2) by making and furnishing authenticated or unauthenticated copies or reproductions of such records and other materials;

"(d) The term 'National Archives of the United States' means those official records that have been determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government, and have been accepted by the Administrator for deposit in his custody;

"(e) The term 'unauthenticated copies' means exact copies or reproductions of records or other materials that are not certified as such under seal and that need not be legally accepted as evidence; and

"(f) The term 'Archivist' means the Archivist of the United States."

SEC. 7. The Federal Property and Administrative Services Act of 1949 is further amended by—

(a) striking out the word "and" preceding "(2)" in subsection (d) of section 3 thereof; substituting a semicolon for the period at the end of said subsection; and adding at the end of such subsection the following: "and (3) records of the Federal Government.";

(b) striking out, in section 208 (a) thereof, the expression "and V", and inserting in lieu thereof the expression "V, and VI";

(c) striking out, in section 208 (b) thereof, the expression "and V", and inserting in lieu thereof the expression "V, and VI";

(d) striking out the word "and" at the end of paragraph (30) of section 602 (a); striking out the period at the end of paragraph (31) of section 602 (a) and inserting in lieu thereof a semicolon; and adding at the end of section 602 (a) the following new paragraphs:

"(32) the Act entitled 'An Act to establish a National Archives of the United States Government, and for other purposes', approved June 19, 1934 (48 Stat. 1122-1124, as amended; 44 U. S. C. 300, 300a, 300c-k); and

"(33) section 4 of the Act of February 3, 1905 (33 Stat. 687, as amended; 5 U. S. C. 77)."

(e) amending subsection 602 (b) and (c) thereof to read as follows:

"(b) There are hereby superseded—

"(1) the provisions of the first, third, and fifth paragraphs of section 1 of Executive Order Numbered 6166 of June 10, 1933, insofar as they relate to any function now administered by the Bureau of



*Federal Supply except functions with respect to standard contract forms; and*

"(2) sections 2 and 4 of the Act entitled 'An Act to provide for the disposal of certain records of the United States Government', approved July 7, 1943 (57 Stat. 381, as amended; 44 U. S. C. 367 and 369), to the extent that the provisions thereof are inconsistent with the provisions of title V of this Act.

"(c) The authority conferred by this Act shall be in addition and paramount to any authority conferred by any other law and shall not be subject to the provisions of any law inconsistent herewith, except that sections 205 (b) and 206 (c) of this Act shall not be applicable to any Government corporation or agency which is subject to the Government Corporation Control Act (59 Stat. 597; 31 U. S. C. 841)."

(f) amending paragraphs (17), (18), and (19) of section 602 (d) thereof to read as follows:

"(17) the Central Intelligence Agency;

"(18) the Joint Committee on Printing, under the Act entitled 'An Act providing for the public printing and binding and the distribution of public documents' approved January 12, 1895 (28 Stat. 601), as amended or any other Act; or

"(19) for such period of time as the President may specify, any other authority of any executive agency which the President determines within one year after the effective date of this Act should, in the public interest, stand unimpaired by this Act."

(g) striking out the period at the end of section 603 (a) thereof and inserting in lieu thereof a comma and the following: "including payment in advance, when authorized by the Administrator, for library memberships in societies whose publications are available to members only, or to members at a price lower than that charged to the general public."

SEC. 8. (a) Subsection 3 (b) of the Federal Property and Administrative Services Act of 1949 is amended to read as follows:

"(b) The term 'Federal agency' means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction)."

(b) Section 201 (b) of the Federal Property and Administrative Services Act of 1949 is amended by striking out the expression "or the Senate, or the House of Representatives,".

(c) Section 602 of the Federal Property and Administrative Services Act of 1949 is amended by redesignating subsection (e) thereof as subsection (f), and inserting, immediately after subsection (d) thereof, the following new subsection:

"(e) No provision of this Act, as amended, shall apply to the Senate or the House of Representatives (including the Architect of the Capitol and any building, activity, or function under his direction), but any of the services and facilities authorized by this Act to be rendered or furnished shall, as far as practicable, be made available to the Senate, the House of Representatives, or the Architect of the Capitol, upon their request, and, if payment would be required for the rendition or furnishing of a similar service or facility to an executive agency, payment therefor shall be made by the recipient thereof, upon presentation of proper vouchers, in advance or by reimbursement (as may be agreed upon by the Administrator and the officer or body making such request). Such payment may be credited

to the applicable appropriation of the executive agency receiving such payment."

SEC. 9. The Federal Property and Administrative Services Act of 1949, section 205 (h), is hereby amended by striking out the last word of the sentence "title" and inserting in lieu thereof the word "Act".

SEC. 10. (a) Whenever any contract made on behalf of the Government by the head of any Federal Agency, or by officers authorized by him so to do, includes a provision for liquidated damages for delay, the Comptroller General upon recommendation of such head is authorized and empowered to remit the whole or any part of such damages as in his discretion may be just and equitable.

(b) Section 306 of the Federal Property and Administrative Services Act of 1949, is hereby repealed, and this section shall be effective as of July 1, 1949.

SEC. 11. All laws or parts of laws in conflict with the provisions of this Act or with any amendment made thereby are, to the extent of such conflict, hereby repealed.

And the House agree to the same.

WM. L. DAWSON,  
RICHARD BOLLING,  
CHET HOLIFIELD,  
RALPH HARVEY,  
HAROLD O. LOVRE,

*Managers on the Part of the House.*

JOHN L. McCLELLAN,  
CLYDE R. HOEY,  
HUBERT H. HUMPHREY,  
KARL E. MUNDT,  
ANDREW F. SCHOEPPPEL,

*Managers on the Part of the Senate.*

## STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3959) entitled "An act to amend the Federal Property and Administrative Services Act of 1949, and for other purposes," submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House struck out all of the Senate bill after the enacting clause and inserted a substitute text. The Senate recedes from its disagreement to the House amendment with an amendment which is a substitute for both the Senate bill and the House amendment. Except for technical and minor drafting changes, the differences between the House amendment and the substitute agreed to in conference are explained below.

Section 3 (b) of the Senate bill added to section 109 of the Federal Property and Administrative Services Act of 1949 a new subsection (g). This subsection provides that whenever a producer or vendor tenders any article or commodity for sale to the General Services Administration or to any procurement authority acting under the direction and control of the Administrator of General Services, the Administrator may, with the consent of such producer or vendor, cause to be conducted such tests as he shall prescribe to determine whether such article or commodity is equal to or superior in performance standard to similar articles or commodities currently on a qualified list. The subsection provides for two categories of testing fees which may be assessed against the producer or vendor: (1) a fee sufficient to recover all testing costs, fixed in accordance with accepted accounting principles, which shall be charged whenever the Administrator determines that the making of such tests will serve predominantly the interests of such producer or vendor; (2) a fee which the Administrator determines to be reasonable for furnishing such testing service which shall be charged whenever the Administrator determines that the making of such tests will not serve predominantly the interests of such producer or vendor. All fees collected by the Administrator may be deposited in the General Supply Fund and be expended for any purpose authorized by section 109 (a) of the Federal Property and Administrative Services Act of 1949.

The House amendment struck out this subsection of the Senate bill and inserted a new subsection (g) which provides that the Administrator of General Services may charge vendors and producers of commodities considered for purchase reasonable fees for testing such commodities and, while providing that such fees may be deposited in the General Supply Fund, limits the use of such fees to the defrayment of expenses of conducting such tests as may be prescribed by the Administrator.

The conference substitute retains the Senate provision.



The House amendment added to section 210 (d) of the Federal Property and Administrative Services Act of 1949 (added to such act by the Senate bill) a new paragraph (6) which exempted the office buildings of the Senate and House of Representatives, the Supreme Court Building, the buildings occupied by the Library of Congress and the Columbia Hospital in the District of Columbia, and any other buildings and grounds under the jurisdiction of the Architect of the Capitol from the provisions of such section 210 (d) authorizing the Director of the Bureau of the Budget to transfer to the Administrator of General Services all functions vested in any other agency with respect to the operation, maintenance, and custody of any office building owned by the United States whenever the Director determines such action to be in the interest of economy or efficiency. Such provision is unnecessary because such section 210 (d) is not applicable to the Architect of the Capitol under the definition of "Federal agency" contained in section 3 (b) of the Federal Property and Administrative Services Act of 1949, as amended by section 8 (a) of the Senate bill. Therefore, the House amendment is omitted from the conference substitute.

Section 5 of the Senate bill added to the Federal Property and Administrative Services Act of 1949 section 210 (e) which authorized the Administrator of General Services to assign and reassign the space of agencies in the executive branch of the Government in buildings owned or leased by the United States and situated either in or outside the District of Columbia, whenever the Administrator determined such assignment or reassignment of space to be advantageous to the Government in the interests of economy, efficiency, or national security. The House amendment does not contain such provision. The conference substitute retains such provision of the Senate bill with an amendment which limits the authority of the Administrator by providing that such assignment or reassignment of space shall be made in accordance with policies and directives prescribed by the President under section 205 (a) of the Federal Property and Administrative Services Act of 1949 and after consultation with the heads of the executive agencies concerned.

Section 5 of the Senate bill added to the Federal Property and Administrative Services Act of 1949 a new section 211 which provides certain requirements for identification of motor vehicles used for official purposes by any Federal agency or the District of Columbia. One of the requirements of such section is that the legend "For official use only" be shown on each such motor vehicle. The House amendment struck out this requirement. Since such requirement is in keeping with the intent of the section, the House recedes and the conference substitute retains the provision. While the conference committee did not amend the section to make it mandatory that the full name of a department, establishment, corporation, or agency be shown on each of its motor vehicles in all cases, nevertheless the committee feels that such practice should be followed as a guide to the General Services Administration.

Section 8 (c) of the Senate bill added to section 602 of the Federal Property and Administrative Services Act of 1949 a new subsection (e). This subsection provided, in part, that no provision of the Federal Property and Administrative Services Act of 1949 as originally en-

acted or *subsequently* amended should apply to the Senate or House of Representatives (including the Architect of the Capitol). The House amendment contains this subsection but with a change to the effect that no provision of such act as originally enacted or as *herein* amended shall apply to the Senate or the House of Representatives (including the Architect of the Capitol). The conference substitute retains this subsection but simply provides that no provision of such act *as amended* shall apply to the Senate or the House of Representatives (including the Architect of the Capitol). The conference committee believes that the language contained in the conference substitute, in conjunction with the definition of "Federal agency" contained in section 3 (b) of the Federal Property and Administrative Services Act of 1949 as amended by section 8 (a) of the conference substitute, will serve effectively to exclude the Architect of the Capitol from the provisions of the Federal Property and Administrative Services Act of 1949, as amended, except with respect to services and facilities which may be requested by him.

WM. L. DAWSON,  
RICHARD BOLLING,  
CHET HOLIFIELD,  
RALPH HARVEY,  
HAROLD O. LOVRE,

*Managers on the Part of the House.*









That the Senate recede from its disagreement to the amendment of the House and agree to the same.

SAM HOBBS,  
PETER W. RODINO, Jr.,  
WILLIAM M. MCCULLOCH,  
*Managers on the Part of the House.*

PAT MCCARRAN,  
ALEXANDER WILEY,  
JAMES EASTLAND,  
By MCCARRAN,  
*Managers on the Part of the Senate.*

#### STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1338) to amend title 28 of the United States Code relating to fees of United States marshals, submit the following explanation of the effect of the action agreed upon in conference and recommended in the accompanying conference report.

The House passed the Senate bill after amending it by striking out the first section, which proposed to make the fee chargeable by marshals for the sale of property uniform in all judicial districts, and to make applicable to all sales the fees presently authorized for the sale of property under process in admiralty. The Senate recedes.

SAM HOBBS,  
PETER W. RODINO, Jr.,  
WILLIAM M. MCCULLOCH,  
*Managers on the Part of the House.*

#### AUTHORIZING CORRECTION OF CHAPTERS AND SECTION NUMBERS ON H. R. 7786

Mr. CANNON. Mr. Speaker, I ask unanimous consent for the present consideration of a House concurrent resolution (H. Con. Res. 272), which I send to the desk.

The Clerk read as follows:

*Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House in the enrollment of H. R. 7786, the general appropriation bill, 1951, is authorized and directed to correct chapter and section numbers.*

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### FILING OF CONFERENCE REPORTS ON S. 3959 AND H. R. 9038

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the conferees on the bill S. 3959, and also on H. R. 9038, have until midnight tonight to file conference reports.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. DAWSON, from the committee of conference, submitted the following conference report and statement on the bill (S. 3959) entitled "An act to amend the Federal Property and Administrative Services Act of 1949, and for other purposes":

#### CONFERENCE REPORT (H. REPT. NO. 3001)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3959) entitled "An Act to amend the Federal Property and Administrative Services Act of 1949, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "That the parenthetical expression appearing in clause (1) of the final sentence of subsection (a) of section 109 of the Federal Property and Administrative Services Act of 1949 (Public Law 152, Eighty-first Congress) is amended to read as follows: "(including the purchase from or through the Public Printer, for warehouse issue, of standard forms, blankbook work, standard specifications, and other printed material in common use by Federal agencies not available through the Superintendent of Documents)."'

"Sec. 2. (a) Clause (2) of the final sentence of subsection (a) of section 109 of the Federal Property and Administrative Services Act of 1949, as hereinbefore amended, is amended to read as follows: '(2) for paying the purchase price, transportation to first storage point of supplies and services, and the cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property.'

"(b) The third sentence of subsection (b) of section 109 of such Act is amended to read as follows: 'On and after such date, such prices shall be fixed at levels so as to recover so far as practicable the applicable purchase price, the transportation cost to first storage point, inventory losses, the cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property, and the cost of amortization and repair of equipment utilized for lease or rent to executive agencies.'

"(c) The amendments made by this section shall be effective on the date, not earlier than July 1, 1950, on which the Administrator of General Services shall determine that appropriated funds adequate to effectuate the purposes of such amendments have been made available.

"Sec. 3. (a) The final sentence of subsection (b) of section 109 of the Federal Property and Administrative Services Act of 1949 is amended to read as follows: 'Where an advance of funds is not made, the General Services Administration shall be reimbursed promptly out of funds of the requisitioning agency in accordance with accounting procedures approved by the Comptroller General: *Provided*, That in any case where payment shall not have been made by the requisitioning agency within forty-five days after the date of billing by the Administrator or the date on which an actual liability for supplies or services is incurred by the Administrator, whichever is the later, reimbursement may be obtained by the Administrator by the issuance of transfer and counterwarrants, or other lawful transfer documents, supported by itemized invoices.'

"(b) Section 109 of the Federal Property and Administrative Services Act of 1949 is amended by adding at the end thereof the following new subsection:

"(g) Whenever any producer or vendor shall tender any article or commodity for sale to the General Services Administration or to any procurement authority acting under the direction and control of the Administrator pursuant to this Act, the Administrator is authorized in his discretion, with the consent of such producer or vendor, to cause to be conducted, in such manner as the Administrator shall specify, such tests as he shall prescribe to determine whether such article or commodity conforms to prescribed specifications and standards. When the Administrator determines that the making of such tests will serve predominantly the interest of such producer or vendor, he shall charge such producer or vendor a fee which shall be fixed by the Administrator in such amount as will recover the cost of conducting such tests, including all components of such cost, determined in accord-

ance with accepted accounting principles. When the Administrator determines that the making of such tests will not serve predominantly the interest of such producer or vendor, he shall charge such producer or vendor such fee as he shall determine to be reasonable for the furnishing of such testing service. All such fees collected by the Administrator may be deposited in the General Supply Fund to be used for any purpose authorized by subsection 109 (a) of this Act.'

"SEC. 4. Paragraphs (1) and (2) of section 203 (j) of the Federal Property and Administrative Services Act of 1949 are amended to read as follows:

"(1) Under such regulations as he may prescribe, the Administrator is authorized in his discretion to donate for educational purposes or public health purposes, including research, in the States, Territories, and possessions without cost (except for costs of care and handling) such equipment, materials, books, or other supplies under the control of any executive agency as shall have been determined to be surplus property and which shall have been determined under paragraph (2) or paragraph (3) of this subsection to be usable and necessary for educational purposes or public health purposes, including research.

"(2) Determination whether such surplus property (except surplus property donated in conformity with paragraph (3) of this subsection) is usable and necessary for educational purposes or public health purposes, including research, shall be made by the Federal Security Administrator, who shall allocate such property on the basis of needs and utilization for transfer by the Administrator of General Services to tax-supported medical institutions, hospitals, clinics, health centers, school systems, schools, colleges, and universities, and to other nonprofit medical institutions, hospitals, clinics, health centers, schools, colleges, and universities which have been held exempt from taxation under section 101 (6) of the Internal Revenue Code, or to State departments of education or health for distribution to such tax-supported and nonprofit medical institutions, hospitals, clinics, health centers, school systems, schools, colleges, and universities; except that in any State where another agency is designated by State law for such purpose such transfer shall be made to said agency for such distribution within the State.'

"Sec. 5. The Federal Property and Administrative Services Act of 1949 is amended by—

"(a) redesignating section 210 thereof as section 212, and wherever such section number appears in such act as originally enacted, it is amended to conform to the redesignation prescribed by this subsection;

"(b) inserting in the table of contents appearing in the first section of such Act, immediately after the line in which 'Sec. 209,' appears, the following:

"'Sec. 210. Operation of buildings and related activities.

"'Sec. 211. Motor vehicles identification.'

"(c) inserting, immediately after section 209 thereof, the following new sections:

#### "'OPERATION OF BUILDINGS AND RELATED ACTIVITIES

"'Sec. 210. (a) Whenever and to the extent that the Administrator has been or hereafter may be authorized by any provision of law other than this subsection to maintain, operate, and protect any building, property, or grounds situated in or outside the District of Columbia, including the construction, repair, preservation, demolition, furnishing, and equipment thereof, he is authorized in the discharge of the duties so conferred upon him—

"'(1) to purchase, repair, and clean uniforms for civilian employees of the General Services Administration who are required by law or regulation to wear uniform clothing;



"(2) to furnish arms and ammunition for the protection force maintained by the General Services Administration;

"(3) to pay ground rent for buildings owned by the United States or occupied by Federal agencies, and to pay such rent in advance when required by law or when the Administrator shall determine such action to be in the public interest;

"(4) to employ and pay personnel employed in connection with the functions of operation, maintenance, and protection of property at such per diem rates as may be approved by the Administrator, not exceeding rates currently paid by private industry for similar services in the place where such services are performed;

"(5) without regard to the provisions of section 322 of the act of June 30, 1932 (47 Stat. 412), as amended, to pay rental, and to make repairs, alterations, and improvements under the terms of any lease entered into by, or transferred to, the General Services Administration for the housing of any Federal agency which on June 30, 1950, was specifically exempted by law from the requirements of said section;

"(6) to obtain payments, through advances or otherwise, for services, space, quarters, maintenance, repair, or other facilities furnished, on a reimbursable basis, to any other Federal agency, or any mixed-ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, and to credit such payments to the applicable appropriation of the General Services Administration;

"(7) to make changes in, maintain, and repair the pneumatic tube system connecting buildings owned by the United States or occupied by Federal agencies in New York City installed under franchise of the city of New York, approved June 29, 1909, and June 11, 1928, and to make payments of any obligations arising thereunder in accordance with the provisions of the Acts approved August 5, 1909 (36 Stat. 120), and May 15, 1928 (45 Stat. 533);

"(8) to repair, alter, and improve rented premises, without regard to the 25 per centum limitation of section 322 of the Act of June 30, 1932 (47 Stat. 412), as amended, upon a determination by the Administrator that by reason of circumstances set forth in such determination the execution of such work, without reference to such limitation, is advantageous to the Government in terms of economy, efficiency, or national security; *Provided*, That such determination shall show that the total cost (rentals, repairs, alterations, and improvements) to the Government for the expected life of the lease shall be less than the cost of alternative space which needs no such repairs, alterations, or improvements. A copy of every such determination so made shall be furnished to the General Accounting Office;

"(9) to pay sums in lieu of taxes on real property declared surplus by Government corporations, pursuant to the Surplus Property Act of 1944, where legal title to such property remains in any such Government corporation;

"(10) to furnish utilities and other services where such utilities and other services are not provided from other sources to persons, firms, or corporations occupying or utilizing plants or portions of plants which constitute (A) a part of the National Industrial Reserve pursuant to the National Industrial Reserve Act of 1948, or (B) surplus real property, and to credit the amounts received therefrom to the applicable appropriation of the General Services Administration;

"(11) at the direction of the Secretary of Defense, to use proceeds received from insurance against damage to properties of the National Industrial Reserve for repair or restoration of the damaged properties; and

"(12) to acquire, by purchase, condemnation, or otherwise, real estate and interests therein.

"(b) At the request of any Federal agency or any mixed-ownership corporation (as defined in the Government Corporation Control Act) or the District of Columbia, the Administrator is hereby authorized to operate, maintain, and protect any building owned by the United States (or, in the case of any wholly owned or mixed-ownership Government corporation, by such corporation) and occupied by the agency or instrumentality making such request.

"(c) At the request of any Federal agency or any mixed-ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, the Administrator is hereby authorized (1) to acquire land for buildings and projects authorized by the Congress; (2) to make or cause to be made, under contract or otherwise, surveys and test borings and to prepare plans and specifications for such buildings and projects prior to the approval by the Attorney General of the title to the sites thereof; and (3) to contract for, and to supervise, the construction and development and the equipping of such buildings or projects. Any sum available to any such Federal agency or instrumentality for any such building or project may be transferred by such agency to the General Services Administration in advance for such purposes as the Administrator shall determine to be necessary, including the payment of salaries and expenses of personnel engaged in the preparation of plans and specifications or in field supervision, and for general office expenses to be incurred in the rendition of any such service.

"(d) Whenever the Director of the Bureau of the Budget shall determine such action to be in the interest of economy or efficiency, he shall transfer to the Administrator all functions then vested in any other Federal agency with respect to the operation, maintenance, and custody of any office building owned by the United States or any wholly owned Government corporation, or any office building or part thereof occupied by any Federal agency under any lease, except that no transfer shall be made under this subsection—

"(1) of any post-office building unless the Director shall first determine that such building is not used predominantly for post-office purposes, and functions which are transferred hereunder to the Administrator with respect to any post-office building may be delegated by him only to another officer or employee of the General Services Administration or to the Postmaster General;

"(2) of any building located in any foreign country;

"(3) of any building located on the grounds of any fort, camp, post, arsenal, navy yard, naval training station, airfield, proving ground, military supply depot, or school, or of any similar facility of the Department of Defense, unless and to such extent as a permit for its use by another agency or agencies shall have been issued by the Secretary of Defense or his duly authorized representative;

"(4) of any building which the Director of the Bureau of the Budget finds to be a part of a group of buildings which are (A) located in the same vicinity, (B) utilized wholly or predominantly for the special purposes of the agency having custody thereof, and (C) not generally suitable for the use of other agencies; or

"(5) of the Treasury Building, the Bureau of Engraving and Printing Building, the buildings occupied by the National Bureau of Standards, and the buildings under the jurisdiction of the regents of the Smithsonian Institution.

"(e) Notwithstanding any other provision of law, the Administrator is authorized, in

accordance with policies and directives prescribed by the President under section 205 (a) and after consultation with the heads of the executive agencies affected, to assign and reassign space of all executive agencies in Government-owned and leased buildings in and outside the District of Columbia upon a determination by the Administrator that such assignment or reassignment is advantageous to the Government in terms of economy, efficiency, or national security.

#### "MOTOR VEHICLE IDENTIFICATION

"Sec. 211. Under regulations prescribed by the Administrator, every motor vehicle acquired and used for official purposes within the United States, its Territories, or possessions, by any Federal agency or the District of Columbia shall be conspicuously identified by showing thereon either (a) the full name of the department, establishment, corporation, or agency by which it is used and the service in which it is used, or (b) a title descriptive of the service in which it is used if such title readily identifies the department, establishment, corporation, or agency concerned, and the legend "For official use only"; *Provided*, That the regulations issued pursuant to this section may provide for exemptions from the requirement of this section when conspicuous identification would interfere with the purpose for which a vehicle is acquired and used.

"Sec. 6. The Federal Property and Administration Services Act of 1949 is amended by—

"(a) redesigning 'title V' of such Act as 'title VI' thereof, and 'title V', wherever it appears therein, is amended to read 'title VI';

"(b) redesignating sections 501–505, inclusive, of such Act, respectively, as sections 601–605, inclusive, thereof, and wherever any such section number appears in such Act as originally enacted, it is amended to conform in numbering to the redesignation prescribed by this subsection;

"(c) inserting at the proper place in the table of contents to such Act the following:

#### "TITLE V—FEDERAL RECORDS

"Sec. 501. Short title.

"Sec. 502. Custody and control of property.

"Sec. 503. National Historical Publications Commission.

"Sec. 504. Federal Records Council.

"Sec. 505. Records management; the Administrator.

"Sec. 506. Records management; agency heads.

"Sec. 507. Archival administration.

"Sec. 508. Reports.

"Sec. 509. Legal status of reproductions.

"Sec. 510. Limitation on liability.

"Sec. 511. Definitions.

"(d) inserting, immediately following title IV thereof, the following new title:

#### "TITLE V—FEDERAL RECORDS

##### "SHORT TITLE

"Sec. 501. This title may be cited as the "Federal Records Act of 1950".

#### "CUSTODY AND CONTROL OF PROPERTY

"Sec. 502. The Administrator shall have immediate custody and control of the National Archives Building and its contents, and shall have authority to design, construct, purchase, lease, maintain, operate, protect, and improve buildings used by him for the storage of records of Federal agencies in the District of Columbia and elsewhere.

#### "NATIONAL HISTORICAL PUBLICATIONS COMMISSION

"Sec. 503. (a) There is hereby created a National Historical Publications Commission consisting of the Archivist (or an alternate designated by him), who shall be Chairman; the Librarian of Congress (or an alternate designated by him); one Member of the United States Senate to be appointed for a term of four years, by the President of the Senate; one Member of the House of



Representatives to be appointed, for a term of two years, by the Speaker of the House of Representatives; one representative of the judicial branch of the Government to be appointed, for a term of four years, by the Chief Justice of the United States; one representative of the Department of State to be appointed, for a term of four years, by the Secretary of State; one representative of the Department of Defense to be appointed, for a term of four years, by the Secretary of Defense; two members of the American Historical Association to be appointed by the council of the said association, one of whom shall serve an initial term of two years and the other an initial term of three years, but their successors shall be appointed for terms of four years; and two other members outstanding in the fields of the social or physical sciences to be appointed by the President of the United States, one of whom shall serve an initial term of one year and the other an initial term of three years, but their successors shall be appointed for terms of four years. The Commission shall meet annually and on call of the Chairman.

"(b) Any person appointed to fill a vacancy in the membership of the Commission shall be appointed only for the unexpired term of the member whom he shall succeed, and his appointment shall be made in the same manner in which the appointment of his predecessor was made.

"(c) The Commission is authorized to appoint, without reference to the Classification Act of 1949 (Public Law 429, 81st Congress, approved October 28, 1949), an executive director and such editorial and clerical staff as the Commission may determine to be necessary. Members of the Commission who represent any branch or agency of the Government shall serve as members of the Commission without additional compensation. All members of the Commission shall be reimbursed for transportation expenses incurred in attending meetings of the Commission, and all such members other than those who represent any branch or agency of the Government of the United States shall receive in lieu of subsistence en route to or from or at the place of such service, for each day actually spent in connection with the performance of their duties as members of such Commission, such sum, not to exceed \$25, as the Commission shall prescribe.

"(d) The Commission shall make plans, estimates, and recommendations for such historical works and collections of sources as it deems appropriate for printing or otherwise recording at the public expense. The Commission shall also cooperate with and encourage appropriate Federal, State, and local agencies and nongovernmental institutions, societies, and individuals in collecting and preserving and, when it deems such action to be desirable, in editing and publishing the papers of outstanding citizens of the United States and such other documents as may be important for an understanding and appreciation of the history of the United States. The Chairman of the Commission shall transmit to the Administrator from time to time, and at least once annually, such plans, estimates, and recommendations as have been approved by the Commission.

#### "FEDERAL RECORDS COUNCIL

"SEC. 504. The Administrator shall establish a Federal Records Council, and shall advise and consult with the Council with a view to obtaining its advice and assistance in carrying out the purposes of this title. The Council shall include representatives of the legislative, judicial, and executive branches of the Government in such number as the Administrator shall determine, but such Council shall include at least four representatives of the legislative branch, at least

two representatives of the judicial branch, and at least six representatives of the executive branch. Members of the Council representing the legislative branch shall be designated, in equal number, by the President of the Senate and the Speaker of the House of Representatives, respectively. Members of the Council representing the judicial branch shall be designated by the Chief Justice of the United States. The Administrator is authorized to designate from persons named by the head of any executive agency concerned, not more than one representative from such agency to serve as a member of the Council. Members of the Council shall serve without compensation, but shall be reimbursed for all necessary expenses actually incurred in the performance of their duties as members of the Council. The Council shall elect a chairman from among its own membership, and shall meet at least once annually.

#### "RECORDS MANAGEMENT; THE ADMINISTRATOR

"SEC. 505. (a) The Administrator shall make provisions for the economical and efficient management of records of Federal agencies (1) by analyzing, developing, promoting, and coordinating standards, procedures, and techniques designed to improve the management of records, to insure the maintenance and security of records deemed appropriate for preservation, and to facilitate the segregation and disposal of records of temporary value, and (2) by promoting the efficient and economical utilization of space, equipment, and supplies needed for the purpose of creating, maintaining, storing, and servicing records.

"(b) The Administrator shall establish standards for the selective retention of records of continuing value, and assist Federal agencies in applying such standards to records in their custody; and he shall notify the head of any Federal agency of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of such agency that shall come to his attention, and assist the head of such agency in initiating action through the Attorney General for the recovery of such records as shall have been unlawfully removed and for such other redress as may be provided by law.

"(c) The Administrator is authorized to inspect or survey personally or by deputy the records of any Federal agency, as well as to make surveys of records management and records disposal practices in such agencies, and shall be given the full cooperation of officials and employees of agencies in such inspections and surveys: *Provided*, That records, the use of which is restricted by or pursuant to law or for reasons of national security or the public interest, shall be inspected or surveyed in accordance with regulations promulgated by the Administrator, subject to the approval of the head of the custodial agency.

"(d) The Administrator is authorized to establish, maintain, and operate records centers for the storage, processing, and servicing of records for Federal agencies pending their deposit with the National Archives of the United States or their disposition in any other manner authorized by law; and to establish, maintain, and operate centralized microfilming services for Federal agencies.

"(e) Subject to applicable provisions of law, the Administrator shall promulgate regulations governing the transfer of records from the custody of one executive agency to that of another.

"(f) The Administrator may empower any Federal agency, upon the submission of evidence of need therefor, to retain records for a longer period than that specified in disposal schedules approved by Congress, and, in accordance with regulations promulgated

by him, may withdraw disposal authorizations covering records listed in disposal schedules approved by Congress.

#### "RECORDS MANAGEMENT; AGENCY HEADS

"SEC. 506. (a) The head of each Federal agency shall cause to be made and preserved records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities.

"(b) The head of each Federal agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency. Such program shall, among other things, provide for (1) effective controls over the creation, maintenance, and use of records in the conduct of current business; (2) cooperation with the Administrator in applying standards, procedures, and techniques designed to improve the management of records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records of temporary value; and (3) compliance with the provisions of this title and the regulations issued thereunder.

"(c) Whenever the head of a Federal agency determines that substantial economies or increased operating efficiency can be effected thereby, he shall provide for the storage, processing, and servicing of records that are appropriate therefor in a records center maintained and operated by the Administrator or, when approved by the Administrator, in such a center maintained and operated by the head of such Federal agency.

"(d) Any official of the Government who is authorized to certify to facts on the basis of records in his custody, is hereby authorized to certify to facts on the basis of records that have been transferred by him or his predecessors to the Administrator.

"(e) The head of each Federal agency shall establish such safeguards against the removal or loss of records as he shall determine to be necessary and as may be required by regulations of the Administrator. Such safeguards shall include making it known to all officials and employees of the agency (1) that no records in the custody of the agency are to be alienated or destroyed except in accordance with the provisions of the Act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434), and (2) the penalties provided by law for the unlawful removal or destruction of records.

"(f) The head of each Federal agency shall notify the Administrator of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency of which he is the head that shall come to his attention, and with the assistance of the Administrator shall initiate action through the Attorney General for the recovery of records he knows or has reason to believe have been unlawfully removed from his agency, or from any other Federal agency whose records have been transferred to his legal custody.

"(g) Nothing in this title shall be construed as limiting the authority of the Comptroller General of the United States with respect to prescribing accounting systems, forms, and procedures, or lessening the responsibility of collecting and disbursing officers for rendition of their accounts for settlement by the General Accounting Office.

#### "ARCHIVAL ADMINISTRATION

"SEC. 507. (a) The Administrator, whenever it appears to him to be in the public interest, is hereby authorized—



"(1) to accept for deposit with the National Archives of the United States the records of any Federal agency or of the Congress of the United States that are determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government;

"(2) to direct and effect, with the approval of the head of the originating agency (or if the existence of such agency shall have been terminated, then with the approval of his successor in function, if any), the transfer of records deposited (or approved for deposit) with the National Archives of the United States to public or educational institutions or associations: *Provided*, That the title to such records shall remain vested in the United States unless otherwise authorized by Congress; and

"(3) to direct and effect the transfer of materials from private sources authorized to be received by the Administrator by the provisions of subsection (e) of this section.

"(b) The Administrator shall be responsible for the custody, use, and withdrawal of records transferred to him: *Provided*, That whenever any records the use of which is subject to statutory limitations and restrictions are so transferred, permissive and restrictive statutory provisions with respect to the examination and use of such records applicable to the head of the agency from which the records were transferred or to employees of that agency shall thereafter likewise be applicable to the Administrator, the Archivist, and to the employees of the General Services Administration, respectively: *Provided further*, That whenever the head of any agency shall specify in writing restrictions that appear to him to be necessary or desirable in the public interest, on the use or examination of records being considered for transfer from his custody to the Administrator, the Administrator shall impose such restrictions on the records so transferred, and shall not remove or relax such restrictions without the concurrence in writing of the head of the agency from which the material shall have been transferred (or if the existence of such agency shall have been terminated, then he shall not remove or relax such restrictions without the concurrence of the successor in function, if any, of such agency head): *Provided, however*, That statutory and other restrictions referred to in the provisos of this subsection shall not remain in force or effect after the records have been in existence for 50 years unless the Administrator by order shall determine with respect to specific bodies of records that such restrictions shall remain in force and effect for a longer period: *And provided further*, That restrictions on the use or examination of records deposited with the National Archives of the United States heretofore imposed and now in force and effect under the terms of section 3 of the National Archives Act, approved June 19, 1934, shall continue in force and effect regardless of the expiration of the tenure of office of the official who imposed them but may be removed or relaxed by the Administrator with the concurrence in writing of the head of the agency from which material has been transferred (or if the existence of such agency shall have been terminated, then with the concurrence in writing of his successor in function, if any).

"(c) The Administrator shall make provisions for the preservation, arrangement, repair and rehabilitation, duplication and reproduction (including microcopy publications), description, and exhibition of records transferred to him as may be needful or appropriate, including the preparation and publication of inventories, indexes, catalogs, and other finding aids or guides facilitating their use; and, when approved by the National Historical Publications Commission, he may also publish such historical

works and collections of sources as seem appropriate for printing or otherwise recording at the public expense.

"(d) The Administrator shall make such provisions and maintain such facilities as he deems necessary or desirable for servicing records in his custody that are not exempt from examination by statutory provisions or other restrictions.

"(e) The Administrator may accept for deposit—

"(1) the personal papers and other personal historical documentary materials of the present President of the United States, his successors, heads of executive departments, and such other officials of the Government as the President may designate, offered for deposit under restrictions respecting their use specified in writing by the prospective depositors: *Provided*, That restrictions so specified on such materials, or any portions thereof, accepted by the Administrator for such deposit shall have force and effect during the lifetime of the depositor or for a period not to exceed 25 years, whichever is longer, unless sooner terminated in writing by the depositor or his legal heirs: *And provided further*, That the Archivist determines that the materials accepted for such deposit will have continuing historical or other values;

"(2) motion-picture films, still pictures, and sound recordings from private sources that are appropriate for preservation by the Government as evidence of its organization, functions, policies, decisions, procedures, and transactions.

Title to materials so deposited under this subsection shall pass to and vest in the United States.

"(f) The Administrator is hereby authorized to make and preserve motion-picture films, still pictures, and sound recordings pertaining to and illustrative of the historical development of the United States Government and its activities, and to make provisions for preparing, editing, titling, scoring, processing, duplicating, reproducing, exhibiting, and releasing for nonprofit educational purposes, motion-picture films, still pictures, and sound recordings in his custody.

#### "REPORTS

"SEC. 508. (a) The Administrator is hereby authorized, whenever he deems it necessary, to obtain reports from Federal agencies on their activities under the provisions of this title and the act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434).

"(b) The Administrator shall, whenever he finds that any provisions of this title have been or are being violated, inform in writing the head of the agency concerned of such violations and make recommendations regarding means of correcting them. Unless corrective measures satisfactory to the Administrator are inaugurated within a reasonable time, the Administrator shall submit a written report thereon to the President and the Congress.

#### "LEGAL STATUS OF REPRODUCTIONS

"SEC. 509. (a) Whenever any records that are required by statute to be retained indefinitely have been reproduced by photographic, microphotographic, or other processes, in accordance with standards established by the Administrator, the indefinite retention of such photographic, microphotographic, or other reproductions will be deemed to constitute compliance with the statutory requirement for the indefinite retention of such original records. Such reproductions, as well as reproductions made in compliance with regulations promulgated to carry out this title, shall have the same legal status as the originals thereof.

"(b) There shall be an official seal for the National Archives of the United States which shall be judicially noticed. When any

copy or reproduction, furnished under the terms hereof, is authenticated by such official seal and certified by the Administrator, such copy or reproduction shall be admitted in evidence equally with the original from which it was made.

"(c) The Administrator may charge a fee not in excess of 10 per centum above the costs or expenses for making or authenticating copies or reproductions of materials transferred to his custody. All such fees shall be paid into, administered, and expended as a part of the National Archives trust fund provided for in section 5 of the act approved July 9, 1941. There shall be no charge for making or authenticating copies or reproductions of such materials for official use by the United States Government: *Provided*, That reimbursement may be accepted to cover the cost of furnishing such copies or reproductions that could not otherwise be furnished.

#### "LIMITATION ON LIABILITY

"SEC. 510. With respect to letters and other intellectual productions (exclusive of material copyrighted or patented) after they come into the custody or possession of the Administrator, neither the United States nor its agents shall be liable for any infringement of literary property rights or analogous rights arising thereafter out of use of such materials for display, inspection, research, reproduction, or other purposes.

#### "DEFINITIONS

"SEC. 511. When used in this title—

"(a) The term "records" shall have the meaning given to such term by section 1 of the act entitled "An act to provide for the disposal of certain records of the United States Government," approved July 7, 1943 (57 Stat. 380, as amended; 44 U. S. C. 366);

"(b) The term "records center" means an establishment maintained by the Administrator or by a Federal agency primarily for the storage, servicing, security, and processing of records that must be preserved for varying periods of time and need not be retained in office equipment and space;

"(c) The term "servicing" means making available for use information in records and other materials in the custody of the Administrator—

"(1) by furnishing such records or other materials, or information from such records or other materials, or copies or reproductions thereof to agencies of the Government for official use and to the public; and

"(2) by making and furnishing authenticated or unauthenticated copies or reproductions of such records and other materials;

"(d) The term "National Archives of the United States" means those official records that have been determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government, and have been accepted by the Administrator for deposit in his custody;

"(e) The term "unauthenticated copies" means exact copies or reproductions of records or other materials that are not certified as such under seal and that need not be legally accepted as evidence; and

"(f) The term "Archivist" means the Archivist of the United States.

"SEC. 7. The Federal Property and Administrative Services Act of 1949 is further amended by—

"(a) striking out the word 'and' preceding '(2)' in subsection (d) of section 3 thereof; substituting a semicolon for the period at the end of said subsection; and adding at the end of such subsection the following: 'and (3) records of the Federal Government.

"(b) striking out, in section 208 (a) thereof, the expression 'and V', and inserting in lieu thereof the expression 'V, and VI';

"(c) striking out, in section 208 (b) thereof, the expression 'and V', and inserting in lieu thereof the expression 'V, and VI';



"(d) striking out the word 'and' at the end of paragraph (30) of section 602 (a); striking out the period at the end of paragraph (31) of section 602 (a) and inserting in lieu thereof a semicolon; and adding at the end of section 602 (a) the following new paragraphs:

"(32) the Act entitled "An Act to establish a National Archives of the United States Government, and for other purposes," approved June 19, 1934 (48 Stat. 1122-1124, as amended; 44 U. S. C. 300, 300a, 300c-k); and

"(33) section 4 of the Act of February 3, 1905 (33 Stat. 687, as amended; 5 U. S. C. 77)."

"(e) amending subsection 602 (b) and (c) thereof to read as follows: '(b) There are hereby superseded—

"(1) the provisions of the first, third, and fifth paragraphs of section 1 of Executive Order Numbered 6166 of June 10, 1933, insofar as they relate to any function now administered by the Bureau of Federal Supply except functions with respect to standard contract forms; and

"(2) sections 2 and 4 of the Act entitled "An Act to provide for the disposal of certain records of the United States Government", approved July 7, 1943 (57 Stat. 381, as amended; 44 U. S. C. 367 and 369), to the extent that the provisions thereof are inconsistent with the provisions of title V of this Act.

"(c) The authority conferred by this Act shall be in addition and paramount to any authority conferred by any other law and shall not be subject to the provisions of any law inconsistent herewith, except that sections 205 (b) and 206 (c) of this Act shall not be applicable to any Government corporation or agency which is subject to the Government Corporation Control Act (59 Stat. 597; 31 U. S. C. 841)."

"(f) amending paragraphs (17), (18), and (19) of section 602 (d) thereof to read as follows:

"(17) the Central Intelligence Agency;

"(18) the Joint Committee on Printing, under the Act entitled "An Act providing for the public printing and binding and the distribution of public documents" approved January 12, 1895 (28 Stat. 601), as amended or any other Act; or

"(19) for such period of time as the President may specify, any other authority of any executive agency which the President determines within one year after the effective date of this Act should, in the public interest, stand unimpaired by this Act."

"(g) striking out the period at the end of section 603 (a) thereof and inserting in lieu thereof a comma and the following: 'including payment in advance, when authorized by the Administrator, for library memberships in societies whose publications are available to members only, or to members at a price lower than that charged to the general public.'

"Sec. 8. (a) Subsection 3 (b) of the Federal Property and Administrative Services Act of 1949 is amended to read as follows:

"(b) The term "Federal agency" means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction)."

"(b) Section 201 (b) of the Federal Property and Administrative Services Act of 1949 is amended by striking out the expression 'or the Senate, or the House of Representatives,'

"(c) Section 602 of the Federal Property and Administrative Services Act of 1949 is amended by redesignating subsection (e) thereof as subsection (f), and inserting, immediately after subsection (d) thereof, the following new subsection:

"(e) No provision of this Act, as amended, shall apply to the Senate or the House of Representatives (including the Architect of the Capitol and any building, activity, or function under his direction), but any of the services and facilities authorized by this Act to be rendered or furnished shall, as far as practicable, be made available to the Senate, the House of Representatives, or the Architect of the Capitol, upon their request and, if payment would be required for the rendition or furnishing of a similar service or facility to an executive agency, payment therefor shall be made by the recipient thereof, upon presentation of proper vouchers, in advance or by reimbursement (as may be agreed upon by the Administrator and the officer or body making such request). Such payment may be credited to the applicable appropriation of the executive agency receiving such payment."

"Sec. 9. The Federal Property and Administrative Services Act of 1949, section 205 (h), is hereby amended by striking out the last word of the sentence 'title' and inserting in lieu thereof the word 'Act'.

"Sec. 10. (a) Whenever any contract made on behalf of the Government by the head of any Federal Agency, or by officers authorized by him so to do, includes a provision for liquidated damages for delay, the Comptroller General upon recommendation of such head is authorized and empowered to remit the whole or any part of such damages as in his discretion may be just and equitable.

"(b) Section 306 of the Federal Property and Administrative Services Act of 1949, is hereby repealed, and this section shall be effective as of July 1, 1949.

"Sec. 11. All laws or parts of laws in conflict with the provisions of this Act or with any amendment made thereby are, to the extent of such conflict, hereby repealed."

And the House agree to the same.

WILLIAM L. DAWSON,  
RICHARD BOLLING,  
CHET HOLIFIELD,  
RALPH HARVEY,  
HAROLD O. LOVRE,

*Managers on the Part of the House.*

JOHN L. MCCLELLAN,  
CLYDE R. HOEY,  
HUBERT H. HUMPHREY,  
KARL E. MUNDT,  
ANDREW F. SCHOEFPEL,

*Managers on the Part of the Senate.*

#### STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3959) entitled "An act to amend the Federal Property and Administrative Services Act of 1949, and for other purposes," submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House struck out all of the Senate bill after the enacting clause and inserted a substitute text. The Senate recedes from its disagreement to the House amendment with an amendment which is a substitute for both the Senate bill and the House amendment. Except for technical and minor drafting changes, the differences between the House amendment and the substitute agreed to in conference are explained below.

Section 3 (b) of the Senate bill added to section 109 of the Federal Property and Administrative Services Act of 1949 a new subsection (g). This subsection provides that whenever a producer or vendor tenders any article or commodity for sale to the General Services Administration or to any procurement authority acting under the direction and control of the Administrator of General Services, the Administrator may, with the

consent of such producer or vendor, cause to be conducted such tests as he shall prescribe to determine whether such article or commodity is equal to or superior in performance standard to similar articles or commodities currently on a qualified list. The subsection provides for two categories of testing fees which may be assessed against the producer or vendor: (1) a fee sufficient to recover all testing costs, fixed in accordance with accepted accounting principles, which shall be charged whenever the Administrator determines that the making of such tests will serve predominantly the interests of such producer or vendor; (2) a fee which the Administrator determines to be reasonable for furnishing such testing service which shall be charged whenever the Administrator determines that the making of such tests will not serve predominantly the interests of such producer or vendor. All fees collected by the Administrator may be deposited in the General Supply Fund and be expended for any purpose authorized by section 109 (a) of the Federal Property and Administrative Services Act of 1949.

The House amendment struck out this subsection of the Senate bill and inserted a new subsection (g) which provides that the Administrator of General Services may charge vendors and producers of commodities considered for purchase reasonable fees for testing such commodities and, while providing that such fees may be deposited in the General Supply Fund, limits the use of such fees to the defrayment of expenses of conducting such tests as may be prescribed by the Administrator.

The conference substitute retains the Senate provision.

The House amendment added to section 210 (d) of the Federal Property and Administrative Services Act of 1949 (added to such act by the Senate bill) a new paragraph (6) which exempted the office buildings of the Senate and House of Representatives, the Supreme Court Building, the buildings occupied by the Library of Congress and the Columbia Hospital in the District of Columbia, and any other buildings and grounds under the jurisdiction of the Architect of the Capitol from the provisions of such section 210 (d) authorizing the Director of the Bureau of the Budget to transfer to the Administrator of General Services all functions vested in any other agency with respect to the operation, maintenance, and custody of any office building owned by the United States whenever the Director determines such action to be in the interest of economy or efficiency. Such provision is unnecessary because such section 210 (d) is not applicable to the Architect of the Capitol under the definition of "Federal agency" contained in section 3 (b) of the Federal Property and Administrative Services Act of 1949, as amended by section 8 (a) of the Senate bill. Therefore, the House amendment is omitted from the conference substitute.

Section 5 of the Senate bill added to the Federal Property and Administrative Services Act of 1949 section 210 (e) which authorized the Administrator of General Services to assign and reassign the space of agencies in the executive branch of the Government in buildings owned or leased by the United States and situated either in or outside the District of Columbia, whenever the Administrator determined such assignment or reassignment of space to be advantageous to the Government in the interests of economy, efficiency, or national security. The House amendment does not contain such provision. The conference substitute retains such provision of the Senate bill with an amendment which limits the authority of the Administrator by providing that such assignment or reassignment of space shall be made in accordance with policies and directives prescribed by the President under section 205



(a) of the Federal Property and Administrative Services Act of 1949 and after consultation with the heads of the executive agencies concerned.

Section 5 of the Senate bill added to the Federal Property and Administrative Services Act of 1949 a new section 211 which provides certain requirements for identification of motor vehicles used for official purposes by any Federal agency or the District of Columbia. One of the requirements of such section is that the legend "For official use only" be shown on each such motor vehicle. The House amendment struck out this requirement. Since such requirement is in keeping with the intent of the section, the House recedes and the conference substitute retains the provision. While the conference committee did not amend the section to make it mandatory that the full name of a department, establishment, corporation, or agency be shown on each of its motor vehicles in all cases, nevertheless the committee feels that such practice should be followed as a guide to the General Services Administration.

Section 8 (c) of the Senate bill added to section 602 of the Federal Property and Administrative Services Act of 1949 a new subsection (e). This subsection provided, in part, that no provision of the Federal Property and Administrative Services Act of 1949 as originally enacted or subsequently amended should apply to the Senate or House of Representatives (including the Architect of the Capitol). The House amendment contains this subsection but with a change to the effect that no provision of such act as originally enacted or as herein amended shall apply to the Senate or the House of Representatives (including the Architect of the Capitol). The conference substitute retains this subsection but simply provides that no provision of such act as amended shall apply to the Senate or the House of Representatives (including the Architect of the Capitol). The conference committee believes that the language contained in the conference substitute, in conjunction with the definition of "Federal agency" contained in section 3 (b) of the Federal Property and Administrative Services Act of 1949 as amended by section 8 (a) of the conference substitute, will serve effectively to exclude the Architect of the Capitol from the provisions of the Federal Property and Administrative Services Act of 1949, as amended, except with respect to services and facilities which may be requested by him.

WILLIAM L. DAWSON,  
RICHARD BOLLING,  
CHET HOLIFIELD,  
RALPH HARVEY,  
HAROLD O. LOVEE,

*Managers on the Part of the House.*

Mr. DAWSON, from the committee of conference, submitted the following conference report and statement on the bill (H. R. 9038) entitled "An act to authorize the President to determine the form of the national budget and of departmental estimates to modernize and simplify governmental accounting and auditing methods and procedures, and for other purposes."

#### CONFERENCE REPORT (H. REPT. No. 3002)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9038) entitled "An act to authorize the President to determine the form of the national budget and of departmental estimates, to modernize and simplify governmental accounting and auditing methods and procedures, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "That this Act may be cited as the 'Budget and Accounting Procedures Act of 1950'."

#### "TITLE I—BUDGETING AND ACCOUNTING"

##### "PART I—BUDGETING"

"SEC. 101. Section 2 of the Budget and Accounting Act, 1921 (42 Stat. 20), is amended by adding at the end thereof the following:

"The term 'appropriations' includes, in appropriate context, funds and authorizations to create obligations by contract in advance of appropriations, or any other authority making funds available for obligation or expenditure."

"SEC. 102. (a) Section 201 of such Act is amended to read as follows:

"SEC. 201. The President shall transmit to Congress during the first fifteen days of each regular session, the Budget, which shall set forth his Budget message, summary data and text, and supporting detail. The Budget shall set forth in such form and detail as the President may determine—

"(a) functions and activities of the Government;

"(b) any other desirable classifications of data;

"(c) a reconciliation of the summary data on expenditures with proposed appropriations;

"(d) estimated expenditures and proposed appropriations necessary in his judgment for the support of the Government for the ensuing fiscal year, except that estimated expenditures and proposed appropriations for such year for the legislative branch of the Government and the Supreme Court of the United States shall be transmitted to the President on or before October 15 of each year, and shall be included by him in the Budget without revision;

"(e) estimated receipts of the Government during the ensuing fiscal year, under (1) laws existing at the time the Budget is transmitted and also (2) under the revenue proposals, if any, contained in the Budget;

"(f) actual appropriations, expenditures, and receipts of the Government during the last completed fiscal year;

"(g) estimated expenditures and receipts, and actual or proposed appropriations of the Government during the fiscal year in progress;

"(h) balanced statements of (1) the condition of the Treasury at the end of the last completed fiscal year, (2) the estimated condition of the Treasury at the end of the fiscal year in progress, and (3) the estimated condition of the Treasury at the end of the ensuing fiscal year if the financial proposals contained in the Budget are adopted;

"(i) all essential facts regarding the bonded and other indebtedness of the Government; and

"(j) such other financial statements and data as in his opinion are necessary or desirable in order to make known in all practicable detail the financial condition of the Government."

"(b) Section 203 of such act is amended to read as follows:

"SEC. 203. (a) The President from time to time may transmit to Congress such proposed supplemental or deficiency appropriations as in his judgment (1) are necessary on account of laws enacted after the transmission of the Budget, or (2) are otherwise in the public interest. He shall accompany such proposals with a statement of the reasons therefor, including the reasons for their omission from the Budget.

"(b) Whenever such proposed supplemental or deficiency appropriations reach an aggregate which, if they had been contained

in the Budget, would have required the President to make a recommendation under subsection (a) of section 202, he shall thereupon make such recommendation."

"(c) Section 204 of such Act is amended to read as follows:

"SEC. 204. (a) Except as otherwise provided in this Act, the contents, order, and arrangement of the proposed appropriations and the statements of expenditures and estimated expenditures contained in the Budget or transmitted under section 203, and the notes and other data submitted therewith, shall conform to requirements prescribed by the President.

"(b) The Budget and statements furnished with any proposed supplemental or deficiency appropriations, shall be accompanied by information as to personal services and other objects of expenditure in the same manner and form as in the Budget for the fiscal year 1950: *Provided*, That this requirement may be waived or modified, either generally or in specific cases, by joint action of the committees of Congress having jurisdiction over appropriation: *And provided further*, That nothing in this Act shall be construed to limit the authority of committees of Congress to request and receive such information in such form as they may desire in consideration of and action upon budget estimates."

"(d) Section 205 of such Act is amended to read as follows:

"SEC. 205. Whenever any basic change is made in the form of the Budget, the President, in addition to the Budget, shall transmit to Congress such explanatory notes and tables as may be necessary to show where the various items embraced in the Budget of the prior year are contained in the new Budget."

"(e) The last sentence of section 207 of such Act is amended to read as follows: 'The Bureau, under such rules and regulations as the President may prescribe, shall prepare the Budget, and any proposed supplemental or deficiency appropriations, and to this end shall have authority to assemble, correlate, revise, reduce, or increase the requests for appropriations of the several departments or establishments.'

"(f) Section 214 of such Act is amended to read as follows:

"SEC. 214. The head of each department and establishment shall prepare or cause to be prepared in each year his requests for regular, supplemental, or deficiency appropriations."

"(g) Section 215 of such Act is amended to read as follows:

"SEC. 215. The head of each department and establishment shall submit his requests for appropriations to the Bureau on or before a date which the President shall determine. In case of his failure to do so, the President shall cause such requests to be prepared as are necessary to enable him to include such requests with the Budget in respect to the work of such department or establishment."

"(h) Section 216 of such Act is amended to read as follows:

"SEC. 216. Requests for regular, supplemental, or deficiency appropriations which are submitted to the Bureau by the head of any department or establishment shall be prepared and submitted as the President may determine in accordance with the provisions of section 201."

#### "Government statistical activities"

"SEC. 103. The President, through the Director of the Bureau of the Budget, is authorized and directed to develop programs and to issue regulations and orders for the improved gathering, compiling, analyzing, publishing, and disseminating of statistical information for any purpose by the various agencies in the executive branch of the Government. Such regulations and orders shall be adhered to by such agencies.







votes of the two Houses thereon, and that Mr. VINSON, Mr. BROOKS, Mr. KILDAY, Mr. SHORT, and Mr. ARENDS were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3409) to establish a new Grand Teton National Park in the State of Wyoming, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3959) to amend the Federal Property and Administrative Services Act of 1949, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4071) to provide allowances for dependents of enlisted members of the uniformed services, to suspend certain provisions of the Career Compensation Act of 1949, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1271) for the relief of Carl E. Lawson and Fireman's Fund Indemnity Co.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2233) for the relief of Ewa Plantation Co., a Hawaiian corporation.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7302) to amend the Act of July 14, 1943, relating to the establishment of the George Washington Carver National Monument, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8028) to authorize the Secretary of the Interior to dispose of the remaining Government lots in the town site of St. Marks, Fla.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8594) to provide for the acquisition, construction, expansion, rehabilitation, conversion, and joint utilization of facilities necessary for the administration and training of units of the Reserve components of the Armed Forces of the United States, and for other purposes.

The message further announced that the House had agreed to the report of

the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9038) to authorize the President to determine the form of the national budget and of departmental estimates, to modernize and simplify governmental accounting and auditing methods and procedures, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 3905) to amend section 3121 of the Internal Revenue Code; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DOUGHTON, Mr. COOPER, Mr. MILLS, Mr. REED of New York, and Mr. WOODRUFF were appointed managers on the part of the House at the conference.

#### ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Vice President:

S. 3934. An act to facilitate compliance with the treaty between the United States of America and the United Mexican States signed February 3, 1944; and

H. J. Res. 385. Joint resolution to provide for the acceptance on behalf of the United States of a memorial plaque to the memory of Stephen Collins Foster, and for other purposes.

#### BUDGET AND ACCOUNTING PROCEDURES ACT OF 1950—CONFERENCE REPORT

Mr. McCLELLAN. Mr. President, I submit a conference report on the bill (H. R. 9038) to authorize the President to determine the form of the national budget and departmental estimates, to modernize and simplify governmental accounting and auditing methods and procedures, and for other purposes, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

(For conference report see p. 13708 of the House proceedings of August 25, 1950.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

Mr. WATKINS. Mr. President, may we have an explanation of the salient points of the agreement on this bill?

Mr. McCLELLAN. Mr. President, I may say there were very few major differences between the House and Senate regarding the two bills. The bills as introduced were identical. An amendment was offered on the floor of the House, which was agreed to. It related to the provision regarding the so-called green sheets, which Representative TABER was very anxious to retain in the bill. The Senate yielded on that question. The amendments which were adopted on the floor of the Senate, offered by the Senator from Virginia, are also retained in the conference report. The report is unanimous. There are no material or major changes in the bill, either as it passed the House or as it passed the Senate.

Mr. WATKINS. Do I correctly understand that the conferees were unanimous in submitting this report?

Mr. McCLELLAN. That is correct.

Mr. WATKINS. I have no objection.

Mr. SMITH of New Jersey. Mr. President, on August 9, 1950, on the call of the calendar, the Senate passed with amendments and sent to conference H. R. 9038, the companion bill to S. 3850, which provides for the modernization of governmental accounting procedures. The conference report is now before the Senate for consideration.

This bill deals with a most important but complex matter. At the request of the Citizens Committee for the Hoover Report, I ask unanimous consent to have inserted in the body of the RECORD following my remarks an analysis of the bill prepared by the staff of the citizens committee.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

#### CITIZENS COMMITTEE FOR THE HOOVER REPORT, Washington, D. C., July 20, 1950.

#### CIRCULAR LETTER No. 8—MEMORANDUM ON PROPOSED BUDGET AND ACCOUNTING PRO- CEDURES ACT OF 1950

A new Budget and Accounting Procedures Act of 1950 has been reported favorably by the Senate and House Committees on Expenditures. This measure has the full approval of the Secretary of the Treasury, the Director of the Budget, and the Comptroller General of the United States. The measures (S. 3850 and H. R. 9038), which are in most respects identical, are scheduled for early action in the respective branches of Congress.

Joint support from the three principal fiscal officials of the Government gives the bill such strength as to make its enactment at the present session highly probable.

Principal accounting provisions of the bill are contrary to a specific recommendation of the Hoover Commission. Primary accounting and auditing authorities are vested in the Comptroller General, an agent of the Congress. The Hoover Commission stated that the accounting should be a function of the executive branch under an Accountant General in the Treasury, and that the auditing should be under the Comptroller General. This is a most important difference. Proponents of the bill claim, however, that under its terms most of the specific objectives of the Commission can be achieved.

Because the bill does not follow a fundamental Hoover Commission recommendation, the citizens committee takes no stand whatsoever with respect to its accounting provisions.

The citizens committee does not wish to oppose major reorganization measures which are only in partial accord with recommendations of the Hoover Commission or which differ on one or two particulars, even on major ones. Obviously, the Hoover Commission had no monopoly on good ideas in the field of reorganization. The citizens committee must, however, always analyze reorganization measures and point out the extent of conformance or variance with the majority recommendations of that Commission.

S. 3850, designated as the Budget and Accounting Procedures Act of 1950, accords in some respects with recommendations of the Hoover Commission but is at variance with them in others.

The committee's views are set forth below in summary form:

I. The budgeting provisions of part I of title I and miscellaneous provisions and re-



peals in titles II and III conform fully with the Commission's views.

II. The accounting and auditing provisions in part II of title I run counter to the Commission's aims in two major respects:

(a) Failure to vest primary responsibility for accounting in the executive branch of the Government and the strengthening instead of the authority of the Comptroller General, an agent of the legislative branch. The bill provides that the Comptroller General shall prescribe principles, standards, and related requirements for accounting to be observed by executive agencies. The Hoover Commission placed primary responsibility for accounting methods and procedures in a new Accountant General in the Treasury Department, such methods and procedures to be subject to the approval of the Comptroller General.

(b) Failures to make clear assignments of responsibilities for such accounting duties as are given the executive branch and failure to vest these responsibilities in any single official. The Secretary of the Treasury is directed to make financial reports and to provide an operating center for the consolidation of accounting results of other executive departments and agencies. He is not, however, given the authority to supervise, or direct, or even guide accounting activities throughout the executive branch as contemplated through an Accountant General in the Treasury Department recommended by the Hoover Commission. Defects in present laws include wide gaps in executive responsibilities for adequate accounting; and the absence of any official in the executive branch with authority over accounting to whom officials in the various agencies may turn.

III. Certain definite operating improvements and economies in line with the recommendations of the Hoover Commission should result from the accounting provisions of the bill, despite the variance from major policy proposals. The powers given to the Comptroller General would center responsibility for accounting to an extent that is lacking at present. These powers would be such as to make possible the implementation of accounting reforms developed in the Hoover report and in present joint voluntary program of the Comptroller General, the Secretary of the Treasury, and the Director of the Budget. Progress can be made toward elimination of duplicative and cumbersome procedures and inconsistent and improper application of accounting principles and practices. As recommended by the Hoover Commission, it should be possible to save money by eliminating the legal requirement that millions of expenditure vouchers and supporting papers be sent to Washington and to eliminate or modify such antiquated fiscal procedures as are required under the obsolete warrant system.

An analysis of the bill, with an amplification of these and other points, is attached to this memorandum as appendix A.

#### SAVINGS

Estimates submitted by the task force of the Hoover Commission dealing with this subject indicated that adoption of a simplified system of accounting throughout the Government under the supervision of the proposed Accountant General in the Treasury Department should result in a reduction of 6,000 employees at an average salary of \$3,400, or a total saving of \$20,400,000 annually. S. 3850, despite its defects, should offer opportunities for considerable savings along this line. Certainly, under the proposed legislation, it should be possible to cut the staff of the General Accounting Office by about 50 percent, preferably in the 1952 budget and, almost surely, in the 1953 budget, through passage of the proposed bill.

#### PERFORMANCE BUDGETING

A comprehensive overhauling of accounting practices, aside from savings, is of great importance toward the successful operation of the new performance or program budget system recommended by the Hoover Commission. Part I of title I of S. 3850 is designed to provide such changes in law as are desirable to assure the fullest effectiveness of the performance budget, already adopted to a considerable extent by the Bureau of the Budget in the submission of the 1951 budget last January.

One weakness in S. 3850, to which attention should be called, is the omission of any provisions with respect to present statutory responsibilities of the Comptroller General regarding information to be furnished to the Congress.

#### EXPENDITURES ANALYSIS BY GAO

Section 312 of the Budget and Accounting Act of 1921 directed the Comptroller General to make investigations and reports regarding the receipt, disbursements and application of public funds and the adequacy and effectiveness of fiscal practices. The Legislative Reorganization Act of 1946 in section 206 directed the Comptroller General to make an expenditure analysis of each agency in the executive branch, including Government corporations, to enable Congress to determine whether public funds have been economically and efficiently administered and expended.

While audits have been made of Government corporations under authority of the Government Corporation Control Act of 1945, the Comptroller General has done little toward carrying out the requirements on these points of either the Budget and Accounting Act of 1921 or the Legislative Reorganization Act of 1946.

S. 3850 does not specifically repeal any of these provisions. Absence of any reference to them, however, in the policy declarations or otherwise might be construed as minimizing their importance. The provisions in question could be of great value as means toward the improvement of fiscal practices.

Certainly it is not the intent of Congress, unknowingly, to weaken its own hand by this measure.

#### SUGGESTED AMENDMENTS

The citizens committee believes that the Congress, before enacting S. 3850, will wish to consider carefully such proposals as may be made to bring it into closer conformance with the recommendations of the Hoover Commission. Some suggestions in this direction are contained in appendix B.

#### CONCLUSION

In conclusion, the citizens committee is unable to certify that S. 3850 is fully in conformance with recommendations of the Hoover Commission. The bill could be brought into closer conformance if amended in a number of particulars as suggested in appendix B.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the report was considered and agreed to.

#### AMENDMENTS TO FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949—CONFERENCE REPORT

Mr. McCLELLAN. Mr. President, I submit a conference report on the bill (S. 3959) to amend the Federal Property and Administrative Services Act of 1949, and for other purposes, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER (Mr. WITHERS). The report will be read for the information of the Senate.

(For conference report see p. 13703 of the House proceedings for August 25, 1950.)

The PRESIDING OFFICER. Is there objection to the present consideration of the conference report?

There being no objection the Senate proceeded to consider the report.

Mr. McCLELLAN. Mr. President, I might state that the conferees were unanimous in their report. The differences between the two bills were largely clerical. They did not represent major differences. The amendment is recommended by the different bureaus affected, and I am sure there could be no objection to the bill as agreed upon.

The PRESIDING OFFICER. The question is on agreeing to the report.

The report was agreed to.

#### DISSEMINATION OF TECHNOLOGICAL, SCIENTIFIC, AND ENGINEERING INFORMATION

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 868) to provide for the dissemination of technological, scientific, and engineering information to American business and industry, and for other purposes, which were, on page 2, line 3, strike out "collection, dissemination, and exchange" and insert "collection and dissemination"; on page 2, strike out lines 23 to 25 inclusive, and on page 3, strike out lines 1 to 12, inclusive; on page 3, line 14, strike out "Sec. 4." and insert "Sec. 3."; on page 4, line 21, strike out "Sec. 5." and insert "Sec. 4."; on page 5, line 5, strike out "Sec. 6." and insert "Sec. 5."; on page 5, line 17, strike out "Sec. 7." and insert "Sec. 6.", and on page 6, line 5, strike out "Sec. 8." and insert "Sec. 7."

Mr. JOHNSON of Colorado. Mr. President, I move that the Senate concur in the House amendments.

Mr. WATKINS. Mr. President, will the Senator give us a brief explanation of what this is all about? Several conference reports are being laid before the Senate, one after the other, and I do not recall the facts regarding this particular bill.

Mr. JOHNSON of Colorado. The bill was passed by the Senate in 1949. It has been in the House for more than a year. It finally passed the House. It is an act to provide for the dissemination of technological, scientific, and engineering information to American business and industry, and for other purposes. It establishes a clearing house within the Department of Commerce, whereby important discoveries which are made by the Government departments may be passed on to the businesses and industries of the United States. The further purpose is that some of the formulas and chemical processes which we got from enemies after World War II ended may be passed on to business.

Mr. SMITH of New Jersey. Mr. President, has this bill been in conference?



make a 5-percent transfer of funds voted it by the Congress?

Mr. DAWSON. The gentleman is correct.

Mr. CANFIELD. I desire to compliment the gentleman from Illinois and his fellow conferees on the upholding, as they did, the prerogatives of congressional appropriating committees and acting definitely in the cause of good government.

Mr. DAWSON. When the Senate read the record of the House as appeared in the CONGRESSIONAL RECORD of that day it came to the conclusion that the best procedure would be to recede from the position it had taken and to adopt the House version of the matter.

Mr. CANFIELD. May I say in all fairness to the gentleman from Illinois and his fellow conferees on the House side, that they were never for this provision.

Mr. DAWSON. I yielded reluctantly at the time, but went back strengthened and fortified after the session over here.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of August 25, 1950.)

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to. A motion to reconsider was laid on the table.

#### AMENDMENTS TO FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

Mr. DAWSON. Mr. Speaker, I call up the conference report on the bill (S. 3959) to amend the Federal Property and Administrative Services Act of 1949, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of August 25, 1950.)

Mr. DAWSON. Mr. Speaker, may I say that this bill came before the House and was passed unanimously, without one dissenting vote. Then we moved to strike the Senate provision from S. 3959 and substitute therefor the House version.

We went to conference and came back with an agreement on some minor changes in the version as passed by the House. This was unanimously agreed to by all conferees.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to. A motion to reconsider was laid on the table.

#### EXTENSION OF REMARKS

Mr. BRYSON asked and was given permission to extend his remarks.

Mr. LANE asked and was given permission to extend his remarks and include two letters and a resolution.

Mr. RICH asked and was given permission to extend his remarks and include a speech by former Senator Rush D. Holt.

Mr. HOFFMAN of Michigan (at the request of Mr. POTTER) was given permission to extend his remarks in four instances, in each to include extraneous matter.

Mr. POTTER asked and was given permission to extend his remarks and include two letters.

Mr. CASE of South Dakota asked and was given permission to extend his remarks in three instances; in one, to include certain material on the subject of making rain, and in another to include an address by former President Coolidge.

Mr. MILLER of Maryland asked and was given permission to extend his remarks in two instances and include in each an editorial.

Mr. BYRNES of Wisconsin asked and was given permission to extend his remarks and include therewith a table.

Mr. BOGGS of Delaware asked and was given permission to extend his own remarks and include extraneous material.

Mr. LOVRE asked and was given permission to extend his remarks in two instances.

Mr. WOLVERTON asked and was given permission to extend his remarks and include extraneous matter.

Mr. JENKINS asked and was given permission to extend his remarks in two separate instances and in each to include extraneous matter.

Mr. YOUNG asked and was given permission to extend his remarks and include an article written by a constituent of his, Albert A. Woldman, an authority on Abraham Lincoln, published in the Harper's magazine entitled "Lincoln Never Said That" notwithstanding the fact that it will exceed two pages of the RECORD and is estimated by the Public Printer to cost \$191.

Mr. DAVIES of New York asked and was given permission to extend his remarks in two instances, in one to include a newspaper article.

Mr. PRICE asked and was given permission to extend his remarks and include an article taken from today's Washington Post.

Mr. BARTLETT asked and was given permission to extend his remarks and include a press release.

Mr. HAYS of Ohio asked and was given permission to extend his remarks and include an editorial on statehood for Alaska and Hawaii.

Mr. HUBER asked and was given permission to extend his remarks and include an editorial.

Mr. ABBITT asked and was given permission to extend his remarks and include an editorial taken from the Plain Dealer of April 1, 1950.

Mr. RODINO asked and was given permission to extend his remarks.

Mr. WILSON of Oklahoma asked and was given permission to extend his remarks and include an editorial by a constituent, Casey Cohlmlia.

Mr. NORBLAD asked and was given permission to extend his remarks.

Mr. MANSFIELD asked and was given permission to extend his remarks and include extraneous material.

Mr. BIEMILLER asked and was given permission to extend his remarks and include an editorial.

Mr. HOEVEN asked and was given permission to extend his remarks.

#### CALL OF THE HOUSE

Mr. COX. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. BUCHANAN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 264]

Anderson, Calif.	Kearney	Pfeiffer,
Angell	Keefe	William L.
Bailey	Keogh	Phillips, Tenn.
Barden	Klein	Plumley
Barrett, Pa.	Larcade	Powell
Blackney	Latham	Quinn
Buckley, N. Y.	Lind	Regan
Bulwinkle	Lyle	Roosevelt
Burton	Lynch	Sabath
Celler	McCulloch	Sadowski
Clemente	McGrath	St. George
Coudert	McGregor	Scott,
Crook	McKinnon	Hugh D., Jr.
DeGraffenried	McMillen, Ill.	Snort
Dingell	Macy	Sikes
Durham	Martin, Iowa	Smathers
Engel, Mich.	Mason	Smith, Kans.
Gillette	Miller, Calif.	Smith, Ohio
Gore	Morgan	Sutton
Grant	Morrison	Taylor
Hall,	Moulder	Teague
Edwin Arthur	Murphy	Werdel
Hare	Murray, Tenn.	Wier
Hébert	Norton	Williams
Hobbs	O'Konski	Wilson, Ind.
Hoffman, Mich.	Pace	Withrow
Hollfield	Patman	Woodhouse
Jackson, Calif.	Perkins	Yates
Johnson	Pfeifer,	
Judd	Joseph L.	

The SPEAKER pro tempore. On this roll call 335 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

#### CITATION OF JOSEPH P. KAMP

Mr. BUCHANAN. Mr. Speaker, by direction of the Select Committee on Lobbying Activities I submit a privileged report.

The Clerk read as follows:

#### REPORT CITING JOSEPH P. KAMP

The Select Committee on Lobbying Activities, created by the House of Representatives under House Resolution No. 283 of the Eighty-first Congress, was authorized and directed to conduct a study and investigation of—

"(1) all lobbying activities intended to influence, encourage, promote, or retard legislation; and (2) all activities of the agencies of the Federal Government intended to influence, encourage, promote, or retard legislation."

The Constitutional Educational League, Inc., is a corporation organized in New York



with offices at 342 Madison Avenue, New York City, N. Y. Joseph P. Kamp is the executive vice-chairman.

The Select Committee on Lobbying Activities obtained information indicating that this organization was engaged in lobbying activities, including the mass distribution of pamphlets and literature, intended to influence the passage or defeat of Federal legislation directly and indirectly.

The chairman of the Select Committee on Lobbying Activities, on May 25, 1950, issued and caused to be served a subpoena duces tecum on said Joseph P. Kamp directing him to be and appear before the said Select Committee on Lobbying Activities on June 6, 1950, at 10 a. m.

The subpoena duces tecum served upon Joseph P. Kamp is set forth in words and figures below:

"BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

"TO BENEDICT F. FITZGERALD:

"You are hereby commanded to summon Joseph P. Kamp, Constitutional Educational League, 342 Madison Avenue, New York, N. Y., to be and appear before the Select Committee on Lobbying Activities of the House of Representatives of the United States, of which the Honorable FRANK BUCHANAN is chairman, and to bring with him such of the records of said League as indicate: (1) the name and address of each person<sup>1</sup> from whom a total of \$1,000 or more has been received by the League during the period, January 1, 1947, to May 1, 1950, for any purpose including, but not limited to: (a) receipts from the sale of books, pamphlets, and other literature, (b) contributions, (c) loans; (2) as to each such person<sup>1</sup> the amount, date, and purpose of each payment which formed a part of the total of \$1,000 or more in their chamber in the city of Washington, on Tuesday, June 6, 1950, Room 362, Old House Office Building, at the hour of 10 a. m., then and there to testify touching matters of inquiry committed, to said committee; and he is not to depart without leave of said committee.

"Herein fail not, and make return of this summons.

"Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 25th day of May 1950.

"FRANK BUCHANAN, *Chairman*.

"Attest:

"[SEAL] "RALPH A. ROBERTS, *Clerk*."

The said subpoena duces tecum was served on Joseph P. Kamp by Benedict F. FitzGerald, Jr., counsel for the Select Committee on Lobbying Activities. The return of the service of the subpoena, endorsed thereon, is set forth in words and figures as follows:

"SUBPENA FOR JOSEPH P. KAMP

"Served on Joseph P. Kamp at the office of the Constitutional Educational League, 342 Madison Avenue, New York City, on Saturday, May 27, 1950, at about 2:30 p. m., by delivery in hand to the said Joseph P. Kamp, by the undersigned.

"BENEDICT F. FITZGERALD, Jr.,

"*Counsel, House Select Committee on Lobbying Activities.*"

Pursuant to said subpoena, Joseph P. Kamp appeared before the Select Committee on Lobbying Activities on June 6, 1950, but failed and refused to produce certain records called for in the subpoena duces tecum, and as a result of such refusal the Select Committee on Lobbying Activities was deprived from receiving information concerning a matter

committed to said committee. The record of the proceedings before the Select Committee on Lobbying Activities held on Tuesday, June 6, 1950, during which the said Joseph P. Kamp refused to furnish certain material pertinent to the subject under inquiry, is set forth in part as follows:

"HOUSE OF REPRESENTATIVES,

"HOUSE SELECT COMMITTEE

ON LOBBYING ACTIVITIES,

"Washington, D. C., Tuesday, June 6, 1950.

"The committee met, pursuant to call, at 10:40 a. m., in the caucus room, Old House Office Building, Hon. FRANK BUCHANAN (chairman) presiding.

"Present: Representatives BUCHANAN (chairman), LANHAM, ALBERT, BROWN, and O'HARA.

"Also present: Benedict F. FitzGerald, Jr., committee counsel.

"The CHAIRMAN. The next witness, Mr. Joseph P. Kamp.

"Will the witness be sworn?

"Raise your right hand. Do you solemnly swear that the statements you make before this committee will be the truth, the whole truth, and nothing but the truth, so help you God, to the last great day?

"Mr. KAMP. I do.

"TESTIMONY OF JOSEPH P. KAMP

"The CHAIRMAN. Give your name and address, please.

"Mr. KAMP. My name is Joseph P. Kamp; my office address is 342 Madison Avenue, New York City; and my home is at 3 East Fifty-fourth Street, New York City.

"The CHAIRMAN. What is your official connection with the Constitutional Educational League?

"Mr. KAMP. I am executive vice chairman of the Constitutional Educational League.

"The CHAIRMAN. And their offices are located where?

"Mr. KAMP. 342 Madison Avenue, New York City.

The CHAIRMAN. Are you or your organization registered under the Lobbying Act?

"Mr. KAMP. We are not.

"The CHAIRMAN. A subpoena was issued on the 25th day of May 1950, by authority of the House of Representatives of the Congress of the United States of America commanding Benedict F. FitzGerald to summon you to be and appear before the Select Committee on Lobbying Activities of the House of Representatives of which I, Representative FRANK BUCHANAN, am chairman, and to bring with you such of the records of the Constitutional Educational League as indicated: (a) The name and address of each person from whom a total of \$1,000 or more has been received by the league during the period, January 1, 1947, to May 1, 1950, for any purpose, including, but not limited to (A) receipts from the sale of books, pamphlets and other literature, (B) contributions, (C) loans; (b) as to each such person the amount, date, and purpose of each payment which formed a part of the total of \$1,000 or more.

"You were to produce these records before this committee in the city of Washington on Tuesday, June 6, 1950, at room 362, Old House Office Building at 10 a. m., where and when you were to testify touching matters of inquiry committed to this committee. Is that not a fact as stated in the subpoena?

"Mr. KAMP. Yes, sir.

"The CHAIRMAN. Do you care to examine a copy of the subpoena to see if it is the same subpoena which has been served upon you?

"(A copy of the document was handed to the witness.)

"The CHAIRMAN. You were given this subpoena by Benedict F. FitzGerald on the 26th of May 1950, at 11:30 a. m.; that is so, is it not—and is that a correct copy?

"Mr. KAMP. It appears to me to be a correct copy; a carbon copy, probably.

"The CHAIRMAN. Do you have your subpoena with you?

"Mr. KAMP. I do.

"The CHAIRMAN. You are now before the Select Committee on Lobbying Activities at the time and place stated in the subpoena; that is so, is it not?

"Mr. KAMP. I am.

"The CHAIRMAN. Did you bring with you the records of the Constitutional Educational League?

"Mr. KAMP. No, sir; I did not. I haven't had time to do the job that the subpoena asked me to do; and, besides, I wanted the opportunity of presenting our position to this committee, our legal position.

"The CHAIRMAN. You are here in response to the subpoena?

"Mr. KAMP. That is right, sir.

"The CHAIRMAN. But you do not have your records with you?

"Mr. KAMP. That is right. I haven't had time to do anything like that. That is a job, that this calls for. Since I am not sure that the Constitutional Educational League comes under the authority of your committee, as set forth in your subpoena, I wanted to have an opportunity of presenting my position to you, so that I might be informed by this committee whether or not, in his judgment, we do come within your jurisdiction.

"The CHAIRMAN. \* \* \*

"Just a moment. If you were to be given time, how much time would you think necessary to furnish the material?

"Mr. KAMP. Well, before I could begin to do the job, I would like to have the committee's statement as to how and why we come under the committee's authority. That was my purpose in coming here today. I read in the newspapers the statement of the chairman of this committee that the purpose of this hearing was to give the people who had been subpoenaed an opportunity to tell this committee why we refuse to cooperate with the representatives of the committee who called at our offices. That was my purpose.

"The CHAIRMAN. That is all.

\* \* \*

"Mr. LANHAM. You say you are here in response to the subpoena. Do you refuse to give to the committee now the information asked for by the committee?

"Mr. KAMP. No; I don't refuse.

"Mr. LANHAM. Do you have it with you?

"Mr. KAMP. No.

"Mr. LANHAM. Do you propose to give it to us at any time?

"Mr. KAMP. I do propose to give it to you when and if this committee can establish its right.

"Mr. LANHAM. The obligation isn't on this committee to establish any right. We are a part of the Government and given the right to investigate lobbying. We have a right to this information. You are here this morning, but refuse to give it to us.

"Mr. KAMP. I say to you that we are not engaged in lobbying; therefore, do not come under your committee's authority; and that we respect the Constitution of the United States, first.

"Mr. LANHAM. Do you respect the subpoena that has been served upon you?

"Mr. KAMP. Yes.

"Mr. LANHAM. You mean to comply with it?

"Mr. KAMP. First, I respect the subpoena. That is why I am here.

"Mr. LANHAM. Do you intend to comply with the subpoena duces tecum to bring these records with you?

"Mr. KAMP. When and if it is established by this committee that it has a legal right to the papers and the records which it requests."

Because of the foregoing the said Select Committee on Lobbying Activities was deprived of answers to pertinent questions to be propounded to the said Joseph P. Kamp relative to the subject matter which under House Resolution 298 of the Eighty-first Congress the said Select Committee on Lobbying Activities was directed to investigate, and

<sup>1</sup> Includes any individual, partnership, corporation, association, or other organization or group.







[PUBLIC LAW 754—81ST CONGRESS]

[CHAPTER 849—2D SESSION]

[S. 3959]

AN ACT

To amend the Federal Property and Administrative Services Act of 1949, and for other purposes:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the parenthetical expression appearing in clause (1) of the final sentence of subsection (a) of section 109 of the Federal Property and Administrative Services Act of 1949 (Public Law 152, Eighty-first Congress) is amended to read as follows:

“(including the purchase from or through the Public Printer, for warehouse issue, of standard forms, blankbook work, standard specifications, and other printed material in common use by Federal agencies not available through the Superintendent of Documents).”

SEC. 2. (a) Clause (2) of the final sentence of subsection (a) of section 109 of the Federal Property and Administrative Services Act of 1949, as hereinbefore amended, is amended to read as follows: “(2) for paying the purchase price, transportation to first storage point of supplies and services, and the cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property.”

(b) The third sentence of subsection (b) of section 109 of such Act is amended to read as follows: “On and after such date, such prices shall be fixed at levels so as to recover so far as practicable the applicable purchase price, the transportation cost to first storage point, inventory losses, the cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property, and the cost of amortization and repair of equipment utilized for lease or rent to executive agencies.”

(c) The amendments made by this section shall be effective on the date, not earlier than July 1, 1950, on which the Administrator of General Services shall determine that appropriated funds adequate to effectuate the purposes of such amendments have been made available.

SEC. 3. (a) The final sentence of subsection (b) of section 109 of the Federal Property and Administrative Services Act of 1949 is amended to read as follows: “Where an advance of funds is not made, the General Services Administration shall be reimbursed promptly out of funds of the requisitioning agency in accordance with accounting procedures approved by the Comptroller General: *Provided*, That in any case where payment shall not have been made by the requisitioning agency within forty-five days after the date of billing by the Administrator or the date on which an actual liability for supplies or services is incurred by the Administrator, whichever is the later, reimbursement may be obtained by the Administrator by

the issuance of transfer and counterwarrants, or other lawful transfer documents, supported by itemized invoices."

(b) Section 109 of the Federal Property and Administrative Services Act of 1949 is amended by adding at the end thereof the following new subsection:

"(g) Whenever any producer or vendor shall tender any article or commodity for sale to the General Services Administration or to any procurement authority acting under the direction and control of the Administrator pursuant to this Act, the Administrator is authorized in his discretion, with the consent of such producer or vendor, to cause to be conducted, in such manner as the Administrator shall specify, such tests as he shall prescribe to determine whether such article or commodity conforms to prescribed specifications and standards. When the Administrator determines that the making of such tests will serve predominantly the interest of such producer or vendor, he shall charge such producer or vendor a fee which shall be fixed by the Administrator in such amount as will recover the cost of conducting such tests, including all components of such cost, determined in accordance with accepted accounting principles. When the Administrator determines that the making of such tests will not serve predominantly the interest of such producer or vendor, he shall charge such producer or vendor such fee as he shall determine to be reasonable for the furnishing of such testing service. All such fees collected by the Administrator may be deposited in the General Supply Fund to be used for any purpose authorized by subsection 109 (a) of this Act."

SEC. 4. Paragraphs (1) and (2) of section 203 (j) of the Federal Property and Administrative Services Act of 1949 are amended to read as follows:

"(1) Under such regulations as he may prescribe, the Administrator is authorized in his discretion to donate for educational purposes or public health purposes, including research, in the States, Territories, and possessions without cost (except for costs of care and handling) such equipment, materials, books, or other supplies under the control of any executive agency as shall have been determined to be surplus property and which shall have been determined under paragraph (2) or paragraph (3) of this subsection to be usable and necessary for educational purposes or public health purposes, including research.

"(2) Determination whether such surplus property (except surplus property donated in conformity with paragraph (3) of this subsection) is usable and necessary for educational purposes or public health purposes, including research, shall be made by the Federal Security Administrator, who shall allocate such property on the basis of needs and utilization for transfer by the Administrator of General Services to tax-supported medical institutions, hospitals, clinics, health centers, school systems, schools, colleges, and universities, and to other non-profit medical institutions, hospitals, clinics, health centers, schools, colleges, and universities which have been held exempt from taxation under section 101 (6) of the Internal Revenue Code, or to State departments of education or health for distribution to such tax-supported and nonprofit medical institutions, hospitals, clinics, health centers, school systems, schools, colleges, and universities; except that

in any State where another agency is designated by State law for such purpose such transfer shall be made to said agency for such distribution within the State."

SEC. 5. The Federal Property and Administrative Services Act of 1949 is amended by—

(a) redesignating section 210 thereof as section 212, and whenever such section number appears in such Act as originally enacted, it is amended to conform to the redesignation prescribed by this subsection;

(b) inserting in the table of contents appearing in the first section of such Act, immediately after the line in which "Sec. 209." appears, the following:

"Sec. 210. Operation of buildings and related activities.

"Sec. 211. Motor vehicle identification."

(c) inserting, immediately after section 209 thereof, the following new sections:

"OPERATION OF BUILDINGS AND RELATED ACTIVITIES

"SEC. 210. (a) Whenever and to the extent that the Administrator has been or hereafter may be authorized by any provision of law other than this subsection to maintain, operate, and protect any building, property, or grounds situated in or outside the District of Columbia, including the construction, repair, preservation, demolition, furnishing, and equipment thereof, he is authorized in the discharge of the duties so conferred upon him—

"(1) to purchase, repair, and clean uniforms for civilian employees of the General Services Administration who are required by law or regulation to wear uniform clothing;

"(2) to furnish arms and ammunition for the protection force maintained by the General Services Administration;

"(3) to pay ground rent for buildings owned by the United States or occupied by Federal agencies, and to pay such rent in advance when required by law or when the Administrator shall determine such action to be in the public interest;

"(4) to employ and pay personnel employed in connection with the functions of operation, maintenance, and protection of property at such per diem rates as may be approved by the Administrator, not exceeding rates currently paid by private industry for similar services in the place where such services are performed;

"(5) without regard to the provisions of section 322 of the Act of June 30, 1932 (47 Stat. 412), as amended, to pay rental, and to make repairs, alterations, and improvements under the terms of any lease entered into by, or transferred to, the General Services Administration for the housing of any Federal agency which on June 30, 1950, was specifically exempted by law from the requirements of said section;

"(6) to obtain payments, through advances or otherwise, for services, space, quarters, maintenance, repair, or other facilities furnished, on a reimbursable basis, to any other Federal agency, or any mixed-ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, and to credit such payments to the applicable appropriation of the General Services Administration;



"(7) to make changes in, maintain, and repair the pneumatic tube system connecting buildings owned by the United States or occupied by Federal agencies in New York City installed under franchise of the city of New York, approved June 29, 1909, and June 11, 1928, and to make payments of any obligations arising thereunder in accordance with the provisions of the Acts approved August 5, 1909 (36 Stat. 120), and May 15, 1928 (45 Stat. 533) ;

"(8) to repair, alter, and improve rented premises, without regard to the 25 per centum limitation of section 322 of the Act of June 30, 1932 (47 Stat. 412), as amended, upon a determination by the Administrator that by reason of circumstances set forth in such determination the execution of such work, without reference to such limitation, is advantageous to the Government in terms of economy, efficiency, or national security: *Provided*, That such determination shall show that the total cost (rentals, repairs, alterations, and improvements) to the Government for the expected life of the lease shall be less than the cost of alternative space which needs no such repairs, alterations, or improvements. A copy of every such determination so made shall be furnished to the General Accounting Office;

"(9) to pay sums in lieu of taxes on real property declared surplus by Government corporations, pursuant to the Surplus Property Act of 1944, where legal title to such property remains in any such Government corporation ;

"(10) to furnish utilities and other services where such utilities and other services are not provided from other sources to persons, firms, or corporations occupying or utilizing plants or portions of plants which constitute (A) a part of the National Industrial Reserve pursuant to the National Industrial Reserve Act of 1948, or (B) surplus real property, and to credit the amounts received therefrom to the applicable appropriation of the General Services Administration;

"(11) at the direction of the Secretary of Defense, to use proceeds received from insurance against damage to properties of the National Industrial Reserve for repair or restoration of the damaged properties; and

"(12) to acquire, by purchase, condemnation, or otherwise, real estate and interests therein.

"(b) At the request of any Federal agency or any mixed-ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, the Administrator is hereby authorized to operate, maintain, and protect any building owned by the United States (or, in the case of any wholly owned or mixed-ownership Government corporation, by such corporation) and occupied by the agency or instrumentality making such request.

"(c) At the request of any Federal agency or any mixed-ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, the Administrator is hereby authorized (1) to acquire land for buildings and projects authorized by the Congress; (2) to make or cause to be made, under contract or otherwise, surveys and test borings and to prepare plans and specifications for such buildings and projects prior to the approval by the Attorney General of the title to the sites thereof; and (3) to contract for, and

to supervise, the construction and development and the equipping of such buildings or projects. Any sum available to any such Federal agency or instrumentality for any such building or project may be transferred by such agency to the General Services Administration in advance for such purposes as the Administrator shall determine to be necessary, including the payment of salaries and expenses of personnel engaged in the preparation of plans and specifications or in field supervision, and for general office expenses to be incurred in the rendition of any such service.

"(d) Whenever the Director of the Bureau of the Budget shall determine such action to be in the interest of economy or efficiency, he shall transfer to the Administrator all functions then vested in any other Federal agency with respect to the operation, maintenance, and custody of any office building owned by the United States or any wholly owned Government corporation, or any office building or part thereof occupied by any Federal agency under any lease, except that no transfer shall be made under this subsection—

"(1) of any post-office building unless the Director shall first determine that such building is not used predominantly for post-office purposes, and functions which are transferred hereunder to the Administrator with respect to any post-office building may be delegated by him only to another officer or employee of the General Services Administration or to the Postmaster General;

"(2) of any building located in any foreign country;

"(3) of any building located on the grounds of any fort, camp, post, arsenal, navy yard, naval training station, airfield, proving ground, military supply depot, or school, or of any similar facility of the Department of Defense, unless and to such extent as a permit for its use by another agency or agencies shall have been issued by the Secretary of Defense or his duly authorized representative;

"(4) of any building which the Director of the Bureau of the Budget finds to be a part of a group of buildings which are (A) located in the same vicinity, (B) utilized wholly or predominantly for the special purposes of the agency having custody thereof, and (C) not generally suitable for the use of other agencies; or

"(5) of the Treasury Building, the Bureau of Engraving and Printing Building, the buildings occupied by the National Bureau of Standards, and the buildings under the jurisdiction of the regents of the Smithsonian Institution.

"(e) Notwithstanding any other provision of law, the Administrator is authorized, in accordance with policies and directives prescribed by the President under section 205 (a) and after consultation with the heads of the executive agencies affected, to assign and reassign space of all executive agencies in Government-owned and leased buildings in and outside the District of Columbia upon a determination by the Administrator that such assignment or reassignment is advantageous to the Government in terms of economy, efficiency, or national security.

#### "MOTOR VEHICLE IDENTIFICATION

"SEC. 211. Under regulations prescribed by the Administrator, every motor vehicle acquired and used for official purposes within the United States, its Territories, or possessions, by any Federal agency

or the District of Columbia shall be conspicuously identified by showing thereon either (a) the full name of the department, establishment, corporation, or agency by which it is used and the service in which it is used, or (b) a title descriptive of the service in which it is used if such title readily identifies the department, establishment, corporation, or agency concerned, and the legend 'For official use only': *Provided*, That the regulations issued pursuant to this section may provide for exemptions from the requirement of this section when conspicuous identification would interfere with the purpose for which a vehicle is acquired and used."

SEC. 6. The Federal Property and Administrative Services Act of 1949 is amended by—

(a) redesignating "title V" of such Act as "title VI" thereof, and "title V", wherever it appears therein, is amended to read "title VI";

(b) redesignating sections 501–505, inclusive, of such Act, respectively, as sections 601–605, inclusive, thereof, and wherever any such section number appears in such Act as originally enacted, it is amended to conform in numbering to the redesignation prescribed by this subsection;

(c) inserting at the proper place in the table of contents to such Act the following:

"TITLE V—FEDERAL RECORDS

"Sec. 501. Short title.

"Sec. 502. Custody and control of property.

"Sec. 503. National Historical Publications Commission.

"Sec. 504. Federal Records Council.

"Sec. 505. Records management; the Administrator.

"Sec. 506. Records management; agency heads.

"Sec. 507. Archival administration.

"Sec. 508. Reports.

"Sec. 509. Legal status of reproductions.

"Sec. 510. Limitation on liability.

"Sec. 511. Definitions."

(d) inserting, immediately following title IV thereof, the following new title:

"TITLE V—FEDERAL RECORDS

"SHORT TITLE

"SEC. 501. This title may be cited as the 'Federal Records Act of 1950'.

"CUSTODY AND CONTROL OF PROPERTY

"SEC. 502. The Administrator shall have immediate custody and control of the National Archives Building and its contents, and shall have authority to design, construct, purchase, lease, maintain, operate, protect, and improve buildings used by him for the storage of records of Federal agencies in the District of Columbia and elsewhere.

"NATIONAL HISTORICAL PUBLICATIONS COMMISSION

"SEC. 503. (a) There is hereby created a National Historical Publications Commission consisting of the Archivist (or an alternate desig-



nated by him), who shall be Chairman; the Librarian of Congress (or an alternate designated by him); one Member of the United States Senate to be appointed, for a term of four years, by the President of the Senate; one Member of the House of Representatives to be appointed, for a term of two years, by the Speaker of the House of Representatives; one representative of the judicial branch of the Government to be appointed, for a term of four years, by the Chief Justice of the United States; one representative of the Department of State to be appointed, for a term of four years, by the Secretary of State; one representative of the Department of Defense to be appointed, for a term of four years, by the Secretary of Defense; two members of the American Historical Association to be appointed by the council of the said association, one of whom shall serve an initial term of two years and the other an initial term of three years, but their successors shall be appointed for terms of four years; and two other members outstanding in the fields of the social or physical sciences to be appointed by the President of the United States, one of whom shall serve an initial term of one year and the other an initial term of three years, but their successors shall be appointed for terms of four years. The Commission shall meet annually and on call of the Chairman.

“(b) Any person appointed to fill a vacancy in the membership of the Commission shall be appointed only for the unexpired term of the member whom he shall succeed, and his appointment shall be made in the same manner in which the appointment of his predecessor was made.

“(c) The Commission is authorized to appoint, without reference to the Classification Act of 1949 (Public Law 429, 81st Congress, approved October 28, 1949), an executive director and such editorial and clerical staff as the Commission may determine to be necessary. Members of the Commission who represent any branch or agency of the Government shall serve as members of the Commission without additional compensation. All members of the Commission shall be reimbursed for transportation expenses incurred in attending meetings of the Commission, and all such members other than those who represent any branch or agency of the Government of the United States shall receive in lieu of subsistence en route to or from or at the place of such service, for each day actually spent in connection with the performance of their duties as members of such Commission, such sum, not to exceed \$25, as the Commission shall prescribe.

“(d) The Commission shall make plans, estimates, and recommendations for such historical works and collections of sources as it deems appropriate for printing or otherwise recording at the public expense. The Commission shall also cooperate with and encourage appropriate Federal, State, and local agencies and nongovernmental institutions, societies, and individuals in collecting and preserving and, when it deems such action to be desirable, in editing and publishing the papers of outstanding citizens of the United States and such other documents as may be important for an understanding and appreciation of the history of the United States. The Chairman of the Commission shall transmit to the Administrator from time to time, and at least once annually, such plans, estimates, and recommendations as have been approved by the Commission.

## "FEDERAL RECORDS COUNCIL

"SEC. 504. The Administrator shall establish a Federal Records Council, and shall advise and consult with the Council with a view to obtaining its advice and assistance in carrying out the purposes of this title. The Council shall include representatives of the legislative, judicial, and executive branches of the Government in such number as the Administrator shall determine, but such Council shall include at least four representatives of the legislative branch, at least two representatives of the judicial branch, and at least six representatives of the executive branch. Members of the Council representing the legislative branch shall be designated, in equal number, by the President of the Senate and the Speaker of the House of Representatives, respectively. Members of the Council representing the judicial branch shall be designated by the Chief Justice of the United States. The Administrator is authorized to designate from persons named by the head of any executive agency concerned, not more than one representative from such agency to serve as a member of the Council. Members of the Council shall serve without compensation, but shall be reimbursed for all necessary expenses actually incurred in the performance of their duties as members of the Council. The Council shall elect a chairman from among its own membership, and shall meet at least once annually.

## "RECORDS MANAGEMENT; THE ADMINISTRATOR

"SEC. 505. (a) The Administrator shall make provisions for the economical and efficient management of records of Federal agencies (1) by analyzing, developing, promoting, and coordinating standards, procedures, and techniques designed to improve the management of records, to insure the maintenance and security of records deemed appropriate for preservation, and to facilitate the segregation and disposal of records of temporary value, and (2) by promoting the efficient and economical utilization of space, equipment, and supplies needed for the purpose of creating, maintaining, storing, and servicing records.

"(b) The Administrator shall establish standards for the selective retention of records of continuing value, and assist Federal agencies in applying such standards to records in their custody; and he shall notify the head of any Federal agency of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of such agency that shall come to his attention, and assist the head of such agency in initiating action through the Attorney General for the recovery of such records as shall have been unlawfully removed and for such other redress as may be provided by law.

"(c) The Administrator is authorized to inspect or survey personally or by deputy the records of any Federal agency, as well as to make surveys of records management and records disposal practices in such agencies, and shall be given the full cooperation of officials and employees of agencies in such inspections and surveys: *Provided*, That records, the use of which is restricted by or pursuant to law or for reasons of national security or the public interest, shall be inspected or surveyed in accordance with regulations promulgated by the Administrator, subject to the approval of the head of the custodial agency.

"(d) The Administrator is authorized to establish, maintain, and operate records centers for the storage, processing, and servicing of

records for Federal agencies pending their deposit with the National Archives of the United States or their disposition in any other manner authorized by law; and to establish, maintain, and operate centralized microfilming services for Federal agencies.

“(e) Subject to applicable provisions of law, the Administrator shall promulgate regulations governing the transfer of records from the custody of one executive agency to that of another.

“(f) The Administrator may empower any Federal agency, upon the submission of evidence of need therefor, to retain records for a longer period than that specified in disposal schedules approved by Congress, and, in accordance with regulations promulgated by him, may withdraw disposal authorizations covering records listed in disposal schedules approved by Congress.

#### “RECORDS MANAGEMENT; AGENCY HEADS

“SEC. 506. (a) The head of each Federal agency shall cause to be made and preserved records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities.

“(b) The head of each Federal agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency. Such program shall, among other things, provide for (1) effective controls over the creation, maintenance, and use of records in the conduct of current business; (2) cooperation with the Administrator in applying standards, procedures, and techniques designed to improve the management of records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records of temporary value; and (3) compliance with the provisions of this title and the regulations issued thereunder.

“(c) Whenever the head of a Federal agency determines that substantial economies or increased operating efficiency can be effected thereby, he shall provide for the storage, processing, and servicing of records that are appropriate therefor in a records center maintained and operated by the Administrator or, when approved by the Administrator, in such a center maintained and operated by the head of such Federal agency.

“(d) Any official of the Government who is authorized to certify to facts on the basis of records in his custody, is hereby authorized to certify to facts on the basis of records that have been transferred by him or his predecessors to the Administrator.

“(e) The head of each Federal agency shall establish such safeguards against the removal or loss of records as he shall determine to be necessary and as may be required by regulations of the Administrator. Such safeguards shall include making it known to all officials and employees of the agency (1) that no records in the custody of the agency are to be alienated or destroyed except in accordance with the provisions of the Act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434), and (2) the penalties



provided by law for the unlawful removal or destruction of records.

“(f) The head of each Federal agency shall notify the Administrator of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency of which he is the head that shall come to his attention, and with the assistance of the Administrator shall initiate action through the Attorney General for the recovery of records he knows or has reason to believe have been unlawfully removed from his agency, or from any other Federal agency whose records have been transferred to his legal custody.

“(g) Nothing in this title shall be construed as limiting the authority of the Comptroller General of the United States with respect to prescribing accounting systems, forms, and procedures, or lessening the responsibility of collecting and disbursing officers for rendition of their accounts for settlement by the General Accounting Office.

#### “ARCHIVAL ADMINISTRATION

“SEC. 507. (a) The Administrator, whenever it appears to him to be in the public interest, is hereby authorized—

“(1) to accept for deposit with the National Archives of the United States the records of any Federal agency or of the Congress of the United States that are determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government;

“(2) to direct and effect, with the approval of the head of the originating agency (or if the existence of such agency shall have been terminated, then with the approval of his successor in function, if any), the transfer of records deposited (or approved for deposit) with the National Archives of the United States to public or educational institutions or associations: *Provided*, That the title to such records shall remain vested in the United States unless otherwise authorized by Congress; and

“(3) to direct and effect the transfer of materials from private sources authorized to be received by the Administrator by the provisions of subsection (e) of this section.

“(b) The Administrator shall be responsible for the custody, use, and withdrawal of records transferred to him: *Provided*, That whenever any records the use of which is subject to statutory limitations and restrictions are so transferred, permissive and restrictive statutory provisions with respect to the examination and use of such records applicable to the head of the agency from which the records were transferred or to employees of that agency shall thereafter likewise be applicable to the Administrator, the Archivist, and to the employees of the General Services Administration, respectively: *Provided further*, That whenever the head of any agency shall specify in writing restrictions that appear to him to be necessary or desirable in the public interest, on the use or examination of records being considered for transfer from his custody to the Administrator, the Administrator shall impose such restrictions on the records so transferred, and shall not remove or relax such restrictions without the concurrence in writing of the head of the agency from which the material shall have been transferred (or if the existence of such agency shall have been terminated, then he shall not remove or relax such restrictions without

the concurrence of the successor in function, if any, of such agency head): *Provided, however*, That statutory and other restrictions referred to in the provisos of this subsection shall not remain in force or effect after the records have been in existence for fifty years unless the Administrator by order shall determine with respect to specific bodies of records that such restrictions shall remain in force and effect for a longer period: *And provided further*, That restrictions on the use or examination of records deposited with the National Archives of the United States heretofore imposed and now in force and effect under the terms of section 3 of the National Archives Act, approved June 19, 1934, shall continue in force and effect regardless of the expiration of the tenure of office of the official who imposed them but may be removed or relaxed by the Administrator with the concurrence in writing of the head of the agency from which material has been transferred (or if the existence of such agency shall have been terminated, then with the concurrence in writing of his successor in function, if any).

“(c) The Administrator shall make provisions for the preservation, arrangement, repair and rehabilitation, duplication and reproduction (including microcopy publications), description, and exhibition of records transferred to him as may be needful or appropriate, including the preparation and publication of inventories, indexes, catalogs, and other finding aids or guides facilitating their use; and, when approved by the National Historical Publications Commission, he may also publish such historical works and collections of sources as seem appropriate for printing or otherwise recording at the public expense.

“(d) The Administrator shall make such provisions and maintain such facilities as he deems necessary or desirable for servicing records in his custody that are not exempt from examination by statutory provisions or other restrictions.

“(e) The Administrator may accept for deposit—

“(1) the personal papers and other personal historical documentary materials of the present President of the United States, his successors, heads of executive departments, and such other officials of the Government as the President may designate, offered for deposit under restrictions respecting their use specified in writing by the prospective depositors: *Provided*, That restrictions so specified on such materials, or any portions thereof, accepted by the Administrator for such deposit shall have force and effect during the lifetime of the depositor or for a period not to exceed twenty-five years, whichever is longer, unless sooner terminated in writing by the depositor or his legal heirs: *And provided further*, That the Archivist determines that the materials accepted for such deposit will have continuing historical or other values;

“(2) motion-picture films, still pictures, and sound recordings from private sources that are appropriate for preservation by the Government as evidence of its organization, functions, policies, decisions, procedures, and transactions.

Title to materials so deposited under this subsection shall pass to and vest in the United States.

“(f) The Administrator is hereby authorized to make and preserve motion-picture films, still pictures, and sound recordings pertaining to and illustrative of the historical development of the United States Government and its activities, and to make provisions for preparing, editing, titling, scoring, processing, duplicating, reproducing, exhibiting, and releasing for nonprofit educational purposes, motion-picture films, still pictures, and sound recordings in his custody.

#### “REPORTS

“SEC. 508. (a) The Administrator is hereby authorized, whenever he deems it necessary, to obtain reports from Federal agencies on their activities under the provisions of this title and the Act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434).

“(b) The Administrator shall, whenever he finds that any provisions of this title have been or are being violated, inform in writing the head of the agency concerned of such violations and make recommendations regarding means of correcting them. Unless corrective measures satisfactory to the Administrator are inaugurated within a reasonable time, the Administrator shall submit a written report thereon to the President and the Congress.

#### “LEGAL STATUS OF REPRODUCTIONS

“SEC. 509. (a) Whenever any records that are required by statute to be retained indefinitely have been reproduced by photographic, microphotographic, or other processes, in accordance with standards established by the Administrator, the indefinite retention of such photographic, microphotographic, or other reproductions will be deemed to constitute compliance with the statutory requirement for the indefinite retention of such original records. Such reproductions, as well as reproductions made in compliance with regulations promulgated to carry out this title, shall have the same legal status as the originals thereof.

“(b) There shall be an official seal for the National Archives of the United States which shall be judicially noticed. When any copy or reproduction, furnished under the terms hereof, is authenticated by such official seal and certified by the Administrator, such copy or reproduction shall be admitted in evidence equally with the original from which it was made.

“(c) The Administrator may charge a fee not in excess of 10 per centum above the costs or expenses for making or authenticating copies or reproductions of materials transferred to his custody. All such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund provided for in section 5 of the Act approved July 9, 1941. There shall be no charge for making or authenticating copies or reproductions of such materials for official use by the United States Government: *Provided*, That reimbursement may be accepted to cover the cost of furnishing such copies or reproductions that could not otherwise be furnished.

#### “LIMITATION ON LIABILITY

“SEC. 510. With respect to letters and other intellectual productions (exclusive of material copyrighted or patented) after they come into



the custody or possession of the Administrator, neither the United States nor its agents shall be liable for any infringement of literary property rights or analogous rights arising thereafter out of use of such materials for display, inspection, research, reproduction, or other purposes.

#### "DEFINITIONS

"SEC. 511. When used in this title—

"(a) The term 'records' shall have the meaning given to such term by section 1 of the Act entitled 'An Act to provide for the disposal of certain records of the United States Government', approved July 7, 1943 (57 Stat. 380, as amended; 44 U. S. C. 366);

"(b) The term 'records center' means an establishment maintained by the Administrator or by a Federal agency primarily for the storage, servicing, security, and processing of records that must be preserved for varying periods of time and need not be retained in office equipment and space;

"(c) The term 'servicing' means making available for use information in records and other materials in the custody of the Administrator—

"(1) by furnishing such records or other materials, or information from such records or other materials, or copies or reproductions thereof to agencies of the Government for official use and to the public; and

"(2) by making and furnishing authenticated or unauthenticated copies or reproductions of such records and other materials;

"(d) The term 'National Archives of the United States' means those official records that have been determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government, and have been accepted by the Administrator for deposit in his custody;

"(e) The term 'unauthenticated copies' means exact copies or reproductions of records or other materials that are not certified as such under seal and that need not be legally accepted as evidence; and

"(f) The term 'Archivist' means the Archivist of the United States."

SEC. 7. The Federal Property and Administrative Services Act of 1949 is further amended by—

(a) striking out the word "and" preceding "(2)" in subsection (d) of section 3 thereof; substituting a semicolon for the period at the end of said subsection; and adding at the end of such subsection the following: "and (3) records of the Federal Government.";

(b) striking out, in section 208 (a) thereof, the expression "and V", and inserting in lieu thereof the expression "V, and VI";

(c) striking out, in section 208 (b) thereof, the expression "and V", and inserting in lieu thereof the expression "V, and VI";

(d) striking out the word "and" at the end of paragraph (30) of section 602 (a); striking out the period at the end of paragraph (31) of section 602 (a) and inserting in lieu thereof a semicolon; and adding at the end of section 602 (a) the following new paragraphs:

"(32) the Act entitled 'An Act to establish a National Archives of the United States Government, and for other purposes', approved June 19, 1934 (48 Stat. 1122-1124, as amended; 44 U. S. C. 300, 300a, 300c-k); and

"(33) section 4 of the Act of February 3, 1905 (33 Stat. 687, as amended; 5 U. S. C. 77)."

(e) amending subsection 602 (b) and (c) thereof to read as follows:

"(b) There are hereby superseded—

"(1) the provisions of the first, third, and fifth paragraphs of section 1 of Executive Order Numbered 6166 of June 10, 1933, insofar as they relate to any function now administered by the Bureau of Federal Supply except functions with respect to standard contract forms; and

"(2) sections 2 and 4 of the Act entitled 'An Act to provide for the disposal of certain records of the United States Government', approved July 7, 1943 (57 Stat. 381, as amended; 44 U. S. C. 367 and 369), to the extent that the provisions thereof are inconsistent with the provisions of title V of this Act.

"(c) The authority conferred by this Act shall be in addition and paramount to any authority conferred by any other law and shall not be subject to the provisions of any law inconsistent herewith, except that sections 205 (b) and 206 (c) of this Act shall not be applicable to any Government corporation or agency which is subject to the Government Corporation Control Act (59 Stat. 597; 31 U. S. C. 841)."

(f) amending paragraphs (17), (18), and (19) of section 602 (d) thereof to read as follows:

"(17) the Central Intelligence Agency;

"(18) the Joint Committee on Printing, under the Act entitled 'An Act providing for the public printing and binding and the distribution of public documents' approved January 12, 1895 (28 Stat. 601), as amended or any other Act; or

"(19) for such period of time as the President may specify, any other authority of any executive agency which the President determines within one year after the effective date of this Act should, in the public interest, stand unimpaired by this Act."

(g) striking out the period at the end of section 603 (a) thereof and inserting in lieu thereof a comma and the following: "including payment in advance, when authorized by the Administrator, for library memberships in societies whose publications are available to members only, or to members at a price lower than that charged to the general public."

SEC. 8. (a) Subsection 3 (b) of the Federal Property and Administrative Services Act of 1949 is amended to read as follows:

"(b) The term 'Federal agency' means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction)."

(b) Section 201 (b) of the Federal Property and Administrative Services Act of 1949 is amended by striking out the expression "or the Senate, or the House of Representatives,".

(c) Section 602 of the Federal Property and Administrative Services Act of 1949 is amended by redesignating subsection (e) thereof

as subsection (f), and inserting, immediately after subsection (d) thereof, the following new subsection:

“(e) No provision of this Act, as amended, shall apply to the Senate or the House of Representatives (including the Architect of the Capitol and any building, activity, or function under his direction), but any of the services and facilities authorized by this Act to be rendered or furnished shall, as far as practicable, be made available to the Senate, the House of Representatives, or the Architect of the Capitol, upon their request, and, if payment would be required for the rendition or furnishing of a similar service or facility to an executive agency, payment therefor shall be made by the recipient thereof, upon presentation of proper vouchers, in advance or by reimbursement (as may be agreed upon by the Administrator and the officer or body making such request). Such payment may be credited to the applicable appropriation of the executive agency receiving such payment.”

SEC. 9. The Federal Property and Administrative Services Act of 1949, section 205 (h), is hereby amended by striking out the last word of the sentence “title” and inserting in lieu thereof the word “Act”.

SEC. 10. (a) Whenever any contract made on behalf of the Government by the head of any Federal Agency, or by officers authorized by him so to do, includes a provision for liquidated damages for delay, the Comptroller General upon recommendation of such head is authorized and empowered to remit the whole or any part of such damages as in his discretion may be just and equitable.

(b) Section 306 of the Federal Property and Administrative Services Act of 1949, is hereby repealed, and this section shall be effective as of July 1, 1949.

SEC. 11. All laws or parts of laws in conflict with the provisions of this Act or with any amendment made thereby are, to the extent of such conflict, hereby repealed.

Approved September 5, 1950.



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